25th CONGRESS,
1st *Session.*

[Doc. No. 32.]

HO. OF REPS.
Executive.

WILLIAM TUDOR.

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES,

TRANSMITTING

Copies of the Correspondence of the late William Tudor, while Chargé d'Affaires of the United States to Brazil.

SEPTEMBER 26, 1837.
Read, and laid upon the table.

To the House of Representatives of the United States:

In compliance with that part of the resolution of the House of Representatives of the 9th of January last, which relates to the diplomatic correspondence of the late William Tudor, while chargé d'affaires of the United States to Brazil, I transmit a report from the Secretary of State, together with the documents by which it was accompanied.

M. VAN BUREN.

WASHINGTON, *September* 26, 1837.

To the President of the United States:

The Secretary of State, to whom was referred a resolution of the House of Representatives of the 9th of January last, requesting the President of the United States, if in his judgment not incompatible with the public interests, to communicate to that House copies of the correspondence with the Department of State and with the Peruvian Governments, of the late William Tudor, Jr., consul of the United States, and their political agent in Peru, from the 27th of March, 1824, to the 15th of May, 1827; and, also, the correspondence of the said William Tudor with the Department of State and with the Government of Brazil, while he was chargé d'affaires of the United States at Rio de Janeiro until his decease, has the honor to submit copies of Mr. Tudor's correspondence with this Department and with the Brazilian Government while he was chargé d'affaires of the United States at Rio de Janeiro, with the exception of such parts as it is conceived the public interest requires should be omitted. The Secretary of State had the honor,

Thomas Allen, print.

with his report to the President of the 16th of February last, to lay before him copies of Mr. Tudor's correspondence with this Department and with the Governments of Peru, within the period first mentioned in the resolution adverted to. Respectfully submitted.

JOHN FORSYTH.

DEPARTMENT OF STATE,
Washington, September 26, 1837.

LIST OF PAPERS.

Mr. Clay to Mr. Tudor, October 23, 1827.
The same to the same, March 19, 1828.
The same to the same, March 29, 1828.
The same to the same, March 31, 1828.
The same to the same, April 1, 1828.
The same to the same, December 3, 1828.
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Mr. Van Buren to the same, April 7, 1829.
The same to the same, April 11, 1829.
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The same to the same, January 22, 1830.
The same to the same, February 10, 1830.
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Mr. Tudor to Mr. Clay, December 3, 1827.
The same to the same, March 30, 1828—extract.
The same to the same, April 13, 1828.
The same to the same, June 23, 1828.
The same to the same, June 26, 1828.
Mr. Tudor to the Marquis of Aracaty, June 23, 1828.
The Marquis of Aracaty to Mr. Tudor, June 25, 1828.
Mr. Tudor to Mr. Clay, June 26, 1828.
The same to the same, July 3, 1828.
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The same to the Marquis of Aracaty, July 5, 1828.
The Marquis of Aracaty to Mr. Tudor, July 4, 1828.
Mr. Tudor to the Marquis of Aracaty, July 5, 1828.
The Marquis of Aracaty to Mr. Tudor, July 9, 1828.
Mr. Tudor to the Marquis of Aracaty, July 11, 1828.
Decree of the Emperor.
The Marquis of Aracaty to Mr. Tudor, July 15, 1828.
Mr. Tudor to the Marquis of Aracaty, July 17, 1828.
The Marquis of Aracaty to Mr. Tudor, July 18, 1828.
Mr. Tudor to Mr. Clay, July 18, 1828.
The same to the same, (No. 98,) without date.
The same to the same, August 5, 1828.

The same to the same, August 6, 1828.
The same to the same, August 7, 1828.
The same to the same, (No. 102,) without date.
The same to the same, August 25, 1828.
The same to the same, August 25, 1828.

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Mr. Tudor to the Minister of Foreign Affairs, July 21, 1828.
The Marquis of Aracaty to Mr. Tudor, July 22, 1828.
Mr. Tudor to the Marquis of Aracaty, July 23, 1828.
The same to the same, July 28, 1828.
The Marquis of Aracaty to Mr. Tudor, August 1, 1828.
Mr. Tudor to the Marquis of Aracaty, August 3, 1828.
The Marquis of Aracaty to Mr. Tudor, August 4, 1828.
Mr. Tudor to the Marquis of Aracaty, August 4, 1828.
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Mr. Tudor to the Marquis of Aracaty, August 9, 1828.
The same to the same, August 13, 1828.
The Marquis of Aracaty to Mr. Tudor, August 19, 1828.
Mr. Tudor to the Marquis of Aracaty, August 20, 1828.
The Marquis of Aracaty to Mr. Tudor, August 21, 1828.
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Mr. Tudor to the Marquis of Aracaty, August 22, 1828.
The Marquis of Aracaty to Mr. Tudor, August 22, 1828.
The same to the same, August 23, 1828.
Mr. Tudor to the Marquis of Aracaty, (No. 4,) without date.
The Marquis of Aracaty to Mr. Tudor, August 24, 1828.
The same to the same, August 25, 1828.
The same to the same, (No. 7,) August 25, 1828.
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Mr. Tudor to Mr. Clay, August 27, 1828.
The same to the same, August 29, 1828.
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[List of accompaniments.]

Mr. Tudor to the Marquis of Aracaty, August 27, 1828.
The same to the same, (private,) August 27, 1828.
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Mr. Tudor to the Marquis of Aracaty, September 12, 1828.
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The Marquis of Aracaty to Mr. Tudor, September 16, 1828.
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Mr. Tudor to the Plenipotentiaries, September 20, 1828.
The same to the Marquis of Aracaty, September 21, 1828.
The Marquis of Aracaty to Mr. Tudor, September 23, 1828.
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Mr. Tudor to Mr. Clay, October 22, 1828.
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The Marquis of Aracaty to Mr. Tudor, September 30, 1828.
Mr. Tudor to the Marquis of Aracaty, September 30, 1828.
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The Marquis of Aracaty to Mr. Tudor, October 18, 1828.
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The same to Mr. Lisboa, October 21, 1828.
The Marquis of Aracaty to Mr. Tudor, October 24, 1828.
Mr. Tudor to the Marquis of Aracaty, October 24, 1828.
The same to the same, November 2, 1828.
The Marquis of Aracaty to Mr. Tudor, November 5, 1828.
Settlement of the case of the Sarah George.
The Marquis of Aracaty to Mr. Tudor, November 8, 1828.
Mr. Tudor to the Marquis of Aracaty, November 9, 1828.
The same to the same, November 11, 1828.
The Marquis of Aracaty to Mr. Tudor, November 11, 1828.
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Mr. Tudor to the Marquis of Aracaty, November 18, 1828.

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The Marquis of Aracaty to Mr. Tudor, December 11, 1828.
Mr. Tudor to the Marquis of Aracaty, December 7, 1828.
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Mr. Tudor to the Marquis of Aracaty, December 12, 1828.
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The Marquis of Aracaty to Mr. Tudor, December 30, 1328.
The same to the same, January 5, 1829.
Mr. Tudor to the Marquis of Aracaty, January 7, 1829.
The Marquis of Aracaty to Mr. Tudor, January 10, 1829.

Mr. Tudor to Mr. Clay, January 22, 1829.
The same to the same, February 18, 1829.

The same to the Secretary of State, March 28, 1829.
The same to the same, April 5, 1829.
The same to the same, April 18, 1829.
Statement of claims.

[List of correspondence.]

Mr. Tudor to the Marquis of Aracaty, January 15, 1829.
The Marquis of Aracaty to Mr. Tudor, January 15, 1829.
Mr. Tudor to the Marquis of Aracaty, January 24, 1829.
The Marquis of Aracaty to Mr. Tudor, February 3, 1829.
The same to the same, February 3, 1829.
Mr. Tudor to the Marquis of Aracaty, February 5, 1829.
The same to the same, February 16, 1829.
The same to the same, March 12, 1829.
The Marquis of Aracaty to Mr. Tudor, March 16, 1829.
Mr. Tudor to the Marquis of Aracaty, March 17, 1829.
The Marquis of Aracaty to Mr. Tudor, March 21, 1829.
Mr. Tudor to the Marquis of Aracaty, March 23, 1829.
The same to the same, March 23, 1829.
The Marquis of Aracaty to Mr. Tudor, March 24, 1829.
The same to the same, March 24, 1829.
Mr. Tudor to the Marquis of Aracaty March 26, 1829.
The same to the same, March 29, 1829.
Convention between France and Brazil.
Mr. Tudor to the Marquis of Aracaty, April 6, 1829.
The Minister of Foreign Affairs to Mr. Tudor, April 13, 1829.
The same to the same, April 14, 1829.
Mr. Tudor to the Minister of Foreign Affairs, April 15, 1829.
The same to the same, April 16, 1829.
The Minister of Foreign Affairs to Mr. Tudor, April 19, 1829.
Mr. Tudor to the Minister of Foreign Affairs, April 23, 1829.
The Minister of Foreign Affairs to Mr. Tudor, April 27, 1829.
The same to the same, April 29, 1829.
Mr. Tudor to the Minister of Foreign Affairs, April 30, 1829.

Mr. Tudor to the Secretary of State, April 30, 1829.
The same to Mr. Van Buren, May 30, 1829.

[List of accompaniments.]

Mr. Tudor to the Minister of Foreign Affairs, May 6, 1829.
The Minister of Foreign Affairs to Mr. Tudor, same date.
Mr. Tudor to the Marquis of Aracaty, May 9, 1829.
The same to the same, May 13, 1829.
The same to the same, May 18, 1829.
The Marquis of Aracaty to Mr. Tudor, same date.
The same to the same, May 26, 1829.
Mr. Tudor to the Marquis of Aracaty, May 27, 1829.
The same to the same, same date.
The Minister of Foreign Affairs to Mr. Tudor, May 29, 1829.
The same to the same, same date.
Mr. Tudor to the Minister of Foreign Affairs, June 1, 1829.

Mr. Tudor to Mr. Van Buren, May 31, 1829.
The same to the same, June 15, 1829.
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Mr. Tudor to the Minister of Foreign Affairs, June 8, 1829.
The Minister of Foreign Affairs to Mr. Tudor, June 20, 1829.
Mr. Tudor to the Marquis of Aracaty, June 22, 1829.
The Marquis of Aracaty to Mr. Tudor, June 23, 1829.
Ratification of the awards for claims.
Ratification of the exchange for dollars.
Mr. Tudor to the Marquis of Aracaty, June 30, 1829.

Mr. Tudor to Mr. Van Buren, July 4, 1829.
The same to the same, July 14, 1829.
The same to the same, August 1, 1829.
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The same to the same, September 5, 1829.
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The same to the same, September 25, 1829.
The same to the same, October 14, 1829.
The same to the same, October 26, 1829.
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Translation of a bond.

[List of accompaniments.]

Mr. Tudor to the Minister of Foreign Affairs, August 11, 1829.
The same to the same, (No. 2,) without date.
The Minister of Foreign Affairs to Mr. Tudor, October 29, 1829.
The same to the same, same date.
Mr. Tudor to the Minister of Foreign Affairs, October 30, 1829.
The same to the same, November 6, 1829.
The Minister of Foreign Affairs to Mr. Tudor, November 5, 1829.
The same to the same, November 10, 1829.
Mr. Tudor to the Minister of Foreign Affairs, November 12, 1829.
The same to Mr. Calmon, November 17, 1829.
Mr. Calmon to Mr. Tudor, November 18, 1829.
Copy of a bond.
List of awards.

Mr. Tudor to Mr. Van Buren, November 22, 1829.
The same to the same, November 24, 1829.
The same to the same, November 28, 1829.
The same to the same, December 9, 1829.
Receipts for bonds.
Mr. Tudor to Mr. Van Buren, December 20, 1829.
The same to the same, January 2, 1830.
The same to the same, February 1, 1830.

No. 1.

Mr. Clay to Mr. Tudor.

Department of State,
Washington, October 23, 1827.

Sir: On the 29th of June last a letter was addressed to you at Lima, from this Department, acquainting you with your appointment by the President, of chargé d'affaires at Rio de Janeiro, transmitting a commission for you in that character, and requesting you to repair to Rio de Janeiro as soon as convenient. You were also informed, by the said letter, that instructions would be forwarded to you upon my return to this city. Presuming that you have received that letter, and hoping that you have consented to accept the appointment thus conferred, and accordingly proceeded to the place of your destination, I shall now, by direction of the President, communicate to you the instructions which were promised in the above letter.

Our commercial relations and intercourse with the Brazils are very important. They have been constantly increasing, and are susceptible of much greater extension. It is desirable for the interest of both parties that a good understanding between them should be cultivated and maintained. During almost the whole period of the mission of your predecessor, causes of complaint and irritation were constantly arising, until he finally thought himself justified to demand his passports and return to the United States. The immediate occasion of that step was the wrongful seizure of the brig Spark, under circumstances of a very aggravating character. After Mr. Raguet had decided to return to the United States, and obtained his passports, instructions were transmitted by the Government of the Brazils to Mr. Rebello, its chargé d'affaires near this Government, and, in consequence of them, a correspondence was opened between him and this Department, of which a copy has been already transmitted to you. That correspondence begins with a note of Mr. Rebello, of the 30th of May last, in which he states that "questions having arisen in regard to the legality or illegality of the act of the detention of various American vessels that attempted (eluding the blockade which the naval forces of his Majesty the Emperor of Brazil are enforcing against Buenos Ayres, according to the laws of nations,) to enter that port, and, at the same time, in respect to the detention of the brig Spark, of New York, which cleared from Rio de Janeiro for Montevideo, the Government of his Majesty the Emperor of Brazil has commanded me to communicate to the Government of the United States, that his Majesty the Emperor, desiring to preserve and even to extend further if possible the friendly relations subsisting between the two nations, hopes that the Government of the United States, disapproving the character of the proceedings of Mr. Condy Raguet, the chargé d'affaires of the said States at Rio de Janeiro, in suddenly demanding his passports, may appoint a new representative to reside near his Majesty the Emperor, who, being received with the consideration due to his character, will find, in the Government of his Majesty the Emperor, the most pacific dispositions, and will adjust, in a manner satisfactory to the Government of the United States, the questions pending with regard to the detained vessels, and to the brig Spark, according to the law of nations." To that note an answer was returned on the 31st of the same month of May, in which, amongst other things, it is stated that "the President, however, participating in the desire which the Government of the Brazils professes to preserve and to extend still further, if possible, the friendly relations between the two countries, charges me to say that he is disposed to render a new and signal proof of that desire, by nominating a successor to Mr. Raguet, without unnecessary delay, upon the assurance that you have given that he shall be received with the consideration due to his official character, and provided you are also authorized to give the assurance that, *in all cases* in which injuries have been inflicted on the property or persons of American citizens, contrary to the public law, a prompt arrangement will be made by the Government of Brazil, satisfactory to that of the United States." To that note Mr. Rebello replied on the 1st of June, and observed that, "the undersigned informs him (the Secretary of State) again, that he is authorized to assure the Government of the United States that the Government of Brazil will give just satisfaction for any violation of public law committed with respect to the property or persons of American citizens." And Mr. Rebello again urges an appointment, without delay, of a successor to Mr. Raguet, with a view to the necessary arrangements with his Government. The correspondence was terminated by a note from me under date the 2d of June, in which it is stated that, "relying upon the authorized assurance which your note contains, that, on the arrival at Rio de Janeiro of a successor to Mr. Raguet, a full and adequate indemnity will be promptly made for any injuries which have been committed upon the persons or property of citizens of the United States, in violation of the public law, under color of authority derived from his Majesty the Emperor of Brazil, such a successor will be accordingly sent."

From the preceding review of the correspondence between Mr. Rebello and myself, you will perceive that the appointment of a successor to Mr. Raguet is asked for the purpose of enabling the Government of the Brazils to make, at Rio de Janeiro, arrangements for indemnity due to the citizens of the United States for the wrongs they have suffered, and the President consents to the appointment of a successor to Mr. Raguet upon the express condition that, upon his arrival at Rio de Janeiro, "a full and adequate indemnity will be promptly made for *any* injuries which have been committed upon the persons or property of citizens of the United States, in violation of the public law, under color of authority derived from his Imperial Majesty the Emperor of Brazil." The engagement, on the part of the Brazilian Government, which that correspondence imports, to afford indemnity, is full, clear, and explicit. It could not rest upon a more solid basis of honor and good faith if it had been thrown into the shape of a solemn convention. The President, therefore, cannot and does not doubt that you will be able to procure a prompt compliance with it. The only questions which it leaves open for settlement are, first, the instances in which the public law has been violated, to the prejudice of the persons or property of our citizens; and, secondly, the just amount of indemnity which is due in consequence of such violation.

I transmit you, herewith, a full copy of all the correspondence which has passed between Mr. Raguet and the Government of Brazil, which will put you in possession of the principal part, if not all, of the claims of our citizens. These claims originate chiefly from groundless allegations of breach of blockade, instituted by the Government of Brazil, and from injuries committed by the public vessels and cruisers of that Government. The principles of the law of blockade, invariably contended for by the United States, are discussed in the course of that correspondence, and appear to be substantially admitted by the Government of Brazil. According to those principles, no place can be considered as lawfully besieged or blockaded, which is not invested by a competent belligerant force, capable of preventing the entry of a neutral; and such neutral cannot be lawfully captured without having been notified of the existence of the blockade, and if he attempt to enter the blockaded port, being warned off.

The first case which occurred was that of the Spermo. That ship arrived on the 11th of August, 1825, off the harbor of Pernambuco, which had been in a state of revolt, and, in consequence of it, had been declared to be blockaded. But the blockade was removed on the 29th of the preceding June; and the vessel was forced into the port by the violence of a storm, her commander and crew being altogether ignorant of the revival of the blockade, which did not, in fact, take place until after she entered the port and was seized. The proceedings and the delay which subsequently took place in the case of that ship, are marked by the greatest injustice, and display uncommon want of regularity in the tribunals of Brazil. The vessel, it is understood, was discharged upon bond, with surety to abide the final decision. The judgment of the inferior court seems to have been one fully acquitting her, with damages; but it was afterwards reversed at Rio. To a demand of the surrender of the bond to be cancelled, no answer is known to have been given. The seizure of that vessel was in manifest violation of the law of nations, and the owners are entitled, not only to have their bond cancelled, but to full damages for the injury they have sustained. You will require payment of damages, as well in the case of that vessel as in all other instances of the infraction of the law of nations to the prejudice of our citizens which the correspondence of Mr. Raguet discloses, or of which you shall receive other satisfactory information, either from the Department or from the parties aggrieved. And you will also, in all such cases where bonds have been taken to await the final decision, require their surrender, to be cancelled.

Among the instances of aggression detailed in the correspondence of Mr. Raguet, the case of the brig Ruth, of Philadelphia, and her crew, is marked with peculiar circumstances of aggravation. She cleared out, in the summer of the last year, from Gibraltar for Buenos Ayres, with the intention of proceeding to Montevideo, if, on arriving near the river Plate, she should find the blockade of Buenos Ayres, declared by the Brazilian Government, still subsisting. She was, at the time of her capture, about fifty leagues from land, actually proceeding to Montevideo, in consequence of having received information on the voyage that the blockade was still in force. After her capture by an imperial brig of war, and whilst that brig was conducting her into the port of Rio Janeiro, a portion of the crew and the supercargo were treated with the greatest cruelty, upon pretexts which had no foundation, and which, if well founded, would not have justified the harshness which was exercised. Mr. Raguet states, in a despatch of the 5th of December, 1826, that the decision of the lower court had been in favor of the Ruth, but without damages, and subjecting the claimants to the payment of costs. The case of this vessel should also command your special attention, as amongst those which are entitled to full indemnity.

The case of the brig Spark will receive your particular attention, as having been that which occasioned the return of Mr. Raguet, and was the immediate cause of the engagement which was made by Mr. Rabello with me at this place. That brig arrived at Rio Janeiro in March last, having cleared out from the port of New York. She had formerly been in the public service of the United States, but was sold, and purchased by J. H. Clark, an American citizen; and she sailed to South America with a short crew, and several guns on board, but not mounted for action. She was probably intended to be sold, and in pursuit of a market. On her arrival at Rio, she was regularly entered, and conformed to all the local laws. There does not appear to have been any concealment in the conduct of her owner or commander, as to their designs or her destination. A sale of her was actually offered to the Brazilian Government, and a negotiation took place about the terms of purchase. The parties not being able to agree upon them, an offer was made by the Brazilian Government to purchase her guns, the acceptance of which was declined. The commander of the vessel then determined to proceed to Montevideo, and the crew of the vessel having been found on the voyage from New York to be incompetent to man her, an addition of American sailors was made to it in the port of Rio. The vessel then regularly cleared out at the custom-house, without any objection being made as to the conduct of her owner or commander, or any suspicions being expressed as to the object of her destination. After she had actually got out of the harbor, she was forcibly seized by a public vessel of the Government of Brazil, taken possession of, brought back into the port, and her crew and cargo treated with great outrage and wanton violence. This aggression appears to have taken place upon the assumed ground that the vessel was piratical, and that she was designed to cruise against the subjects of the Emperor of Brazil. There does not appear to have been the slightest color for these imputations. It was also alleged against her that she had on board more guns than appeared in her manifest, and that she had increased her crew at Rio. As to the first allegation, it appears that the number of guns beyond what was mentioned in the manifest were immediately landed when the objection was first made, and before the vessel cleared out. The fact, at any rate, could only be regarded as a violation laws of the laws of the United States, and conferred no right on the Government of Brazil to seize or condemn the vessel. As to the augmentation of the crew, that was a matter which belonged exclusively to the owner or commander of the vessel, with which no foreign Government had a right to interfere. That there was no design to employ the vessel in hostilities against the commerce of Brazil was manifest from the offer to sell her to that Government, and from the open and undisguised conduct of commander throughout. If there had been any ground for the seizure of the vessel, she ought to have been detained whilst she was yet in port, and not suffered to leave it with a regular clearance. The seizure of her, with a of number passengers on board, (a circumstance which indicates that there could have been no design to employ her in warfare,) was made in the most aggravating manner, and justifies the conclusion that it was intended to acquire by force what could not be obtained by purchase. After the vessel was brought back into port, some of her crew were confined, and treated with great cruelty, and she was abandoned by her commander to the Government of Brazil. Sensible of the injustice which had been done, an offer was made to pay for the vessel; but as the parties could not agree as to the terms or mode of payment, the commander of the vessel left her at Rio Janeiro, and returned to the United States without obtaining any satisfaction. I transmit you, herewith, all the papers received from the owner of the vessel relating to this transaction. You will be able to ascertain on the spot the truth of a statement which has been made here, that the vessel has been taken in the service of the Emperor. Whether that be true or not, the owner has a perfect right to full indemnity. The amount which he claims for the vessel and cargo is thirty thousand dollars, and five thousand dollars for damages. From the means of judging of this demand which we possess, the amount does not appear unreasonable. But if it should be found practicable to obtain satisfaction without the formality of a convention, it will deserve consideration whether a somewhat less amount of indemnity ought to be refused. On that subject you will confer, if necessary, with the owner or his agent, who will be best able to decide whether a present and certain satisfaction is not better than one which is remote, uncertain, and contingent.

There are several modes according to which the citizens of the United States who have suffered wrongs under color of authority from the Brazilian Government, in violation of the public law, may receive the indemnity to which they are entitled, in conformity with the assurances contained in Mr. Rabello's letters. The most direct and least expensive mode would be that of the Brazilian Government voluntarily rendering justice itself in each individual case. You are authorized to suggest that course, and if it should be adopted, you will afford to the respective claimants any official assistance in your power. In cases where the parties may differ about the quantum of indemnity, it will be easy to fix the amount by amicable arrangements, and by appeals to the judgment of impartial men.

Another and the simplest mode would be by a convention, in which the Government of Brazil should stipulate to pay a gross sum in full satisfaction of all claims of American citizens; which sum should be subsequently distributed amongst them under the direction of the American Government. The only difficulty which is perceived in adopting this mode, is that of arriving at an amount which would do justice to all parties. The data in the possession of this Department do not admit of the ascertainment of that amount. Perhaps you will be able, from the documents now transmitted to you, and from such other information as you may have it in your power to acquire from the parties themselves, or their agents, to fix on a proper sum. In that case, you are authorized to conclude a convention, stipulating its payment on the part of the Brazilian Government. But it may happen that you will neither be able to satisfy yourself on that subject, nor to agree with the Brazilian Government on the principles which should regulate the claims for indemnity. In that contingency, the only remaining mode of settlement which presents itself is that of concluding a convention by which a commission shall be instituted for the purpose of deciding the claims to indemnity. You are authorized to conclude such a convention, if, under all the circumstances of the negotiation with which you are charged, it shall appear the most expedient. A model for the appointment and organization of such a commission, which you may safely follow, is to be found in the sixth and seventh articles of the treaty with Great Britain in 1794, except that, instead of the commission being composed of five persons, as is provided for in those articles, it would be best that it should consist of only three; and you may follow, in describing the instances in which indemnity is to be made, the language of the before-mentioned correspondence with Mr. Rebello. The place of the meeting of the commission may be fixed at Rio; and a reasonable time may be limited within which the claimants must present their demands for indemnity before the board. A full power, authorizing you to conclude a convention, in either of the two modes which have been suggested, is herewith transmitted. Should you conclude a convention, it will be executed in duplicate; and you will recollect, that in the counterpart which is transmitted to this Government, the United States must be first named, and your signature first placed to the convention, according to established usage; in that which shall be retained by the Brazilian Government, the opposite course will be pursued, agreeably to the same usage.

The president and directors of the New York South American steamboat association have addressed to this Department a remonstrance, herewith transmitted, stating that they have sustained a loss amounting to at least $150,000, by a breach of good faith upon the part of the Brazilian Government, by not complying with its engagements made with that association. As this is a claim arising out of contract, the Government of the United States can only interpose by its good offices. These you will render, as far as it may appear to you to be proper, to sustain the representations of the company, and to procure them the justice to which they may appear to be entitled.

It is understood that our commerce and manufactures do not enjoy in the ports of Brazil the same advantages as the commerce and manufactures of some other foreign nations, and particularly those of Great Britain and France. You will represent this inequality, if it shall continue to exist, and urge its removal. After the settlement of the question of indemnities, the President intends to cause a negotiation to be opened at this place or at Rio Janeiro, for the arrangement of the commerce and navigation of the two countries by treaty, if it be likely that an overture for such a negotiation will be favorably received. On this subject you will, at some suitable time, sound the disposition of the Brazilian Government.

I am, with great respect,
Your obedient servant,
H. CLAY.

William Tudor, Esq.
appointed Chargé d'Affaires to Brazil.

No. 5.

Mr. Clay to Mr. Tudor.

Department of State,
Washington, March 19, 1828.

Sir: From the contents of your letter, dated at Lima on the 3d of December last, which has been duly received, communicating your acceptance of the appointment of chargé d'affaires at Rio de Janeiro, I presume you have, before this time, reached that place, to enter on the duties of your appointment. We have received intelligence of the arrival there of Mr. Wyer, who had been sent out in charge of your commission and instructions; and if you have not been delayed in reaching the place, I hope you will have made considerable progress, if not have concluded the negotiation which it was expected you would open on the subject of indemnities, prior to the receipt of this letter. Subsequent to the arrangement made with Mr. Rebello, in this city, during last summer, with which you will have been made acquainted by the despatches borne by Mr. Wyer, other instances have occurred of aggression upon the persons and lawful commerce of the citizens of the United States, committed under color of authority derived from the Emperor of Brazil. Of these you will probably have been informed by our consul, Mr. Wright, or by the injured parties themselves or their agents. They ought to be included in any provision for the satisfaction of American claims, which you may be able to obtain from the Brazilian Government. Among the cases of recent aggression, that of the schooner Hero, of Plymouth, Massachusetts, appears to be marked by peculiar enormity. I transmit you herewith a copy of the deposition of Captain Simmons, who commanded that vessel, stating circumstances of outrage and injustice towards himself, vessel, and crew, so shocking as to render the statement of the captain almost incredible. The case is greatly aggravated by the fact that the crew and the vessel were thrown into the power of the Brazilian Government by misfortunes at sea, which ought to have commanded the sympathy instead of exciting the cupidity and injustice of the officers of that Government. The charge of the vessel being a pirate, was evidently but a convenient pretext adopted for the purpose of covering the wrongs which were subsequently perpetrated. The charge itself was not sustained, but the captain and his crew were not finally released until after suffering the greatest injuries; and when he was restored to his vessel, he found her cargo, to use his own words, "all wet and rotten; her sails all eaten or cut by the rats on shore; the vessel robbed of her running-rigging, boats, spars, &c., and cables cut in several places." Her condition, in short, was such, that he was compelled to sell her at public auction, and the proceeds of sale were insufficient to discharge the bills brought against her. Should provision for this case not have been made before you receive this letter, and should you, upon investigation, find the captain's statement to be well founded, you will make it the subject of a strong representation to the Brazilian Government, demanding full indemnity, and expressing the President's expectation that

that indemnity will be promptly made. You will exercise your own discretion whether to insist on a separate satisfaction for the particular case, or to include it in a general arrangement which may be made for that and others.

I am, respectfully,
Your obedient servant,
H. CLAY.

William Tudor,
Chargé d'Affaires to Brazil.

P. S. I send also the protest of Jacob Goodrich, in the case of the brig Caspian.

No. 6.

Mr. Clay to Mr. Tudor.

Department of State,
Washington, March 29, 1828.

Sir: The President is desirous that you should negotiate, in behalf of the Government of the United States, with the Government of Brazil, a treaty of friendship, commerce, and navigation. A similar desire is understood to be entertained by the Emperor on the part of his Government. Circumstances hitherto have not favored the execution of that object; but the time has now arrived when it is supposed it may be entered upon with advantage. The manufactures and productions of the United States have for some time sustained, in the ports of the Brazils, an unequal competition with similar productions and manufactures of other foreign countries. Whilst the former have been subjected, on entry into those ports, to a duty of 24 per cent. ad valorem, the latter have been admitted at the lower rate of only 15 per cent. Against this inequality your predecessor was instructed to remonstrate, as you also were, by your general instructions of the 3d day of October, 1827. Mr. Raguet's interposition was not attended with the desired effect, and we fear that yours may be equally unsuccessful. We hope an efficacious remedy may be found in the negotiation of a treaty. I had supposed that it might be most expedient to postpone opening such a negotiation until after you had made a satisfactory arrangement on the subject of indemnities due to citizens of the United States. Circumstances, however, on the on the spot, may recommend an earlier attempt to conclude a commercial treaty. It is submitted to your discretion to open a negotiation, at such time as may appear to you most expedient, keeping constantly in view the wish of the President to avoid unnecessary delay.

With respect to the commerce and navigation between the two countries, three different bases for an arrangement present themselves: the first is to be found in the fourth and fifth articles of the treaty between the United States and the Federation of the centre of America, signed at the city of Washington on the 5th of December, 1825; the second is contained in the second article of the convention to regulate commerce between the territories of the United States and his Britannic Majesty, concluded at London on the 3d day of July, 1815; and the third you will meet with in the second and third articles of our treaty with Colombia, signed at Bogota on the 3d day of October, 1824.

According to the first-mentioned basis, no higher or other duties would be imposed, on the importation into the ports of one country of any articles the produce or manufacture of the other, than should be paid on the like articles being the produce or manufacture of any other foreign country. Nor would any higher or other duties or charges be imposed in either of the two countries, on the exportation from the one to the other of any article of their respective produce or manufacture, than such as should be paid on the exportation of similar articles to any other foreign country. Nor would any prohibition be imposed on the exportation or importation of any articles the produce or manufacture of either country, to or from their respective ports, which should not equally extend to all other nations. Such would be the principle of the basis under consideration in respect to the commerce between the two countries. It would leave each at perfect liberty, as each ought to be, to impose such duties as its wants or its policy might seem to require, whilst it would restrain either from laying upon the produce or manufactures of the other, higher duties than are exacted from other nations, on similar articles of their produce or manufacture. It would consequently remove the existing inequality prevailing in the ports of the Brazils, to the disadvantage of the United States, of which we have more just cause to complain, since there is no similar inequality operating in our ports to the prejudice of the commerce of the Brazils. What would the Government of the Brazils think, if we were to make a difference of nine or ten per cent. against the coffee of the Brazils in the ports of the United States?

As to the navigation between the two countries, the first basis is founded upon the most perfect equality and reciprocity. According to its principle, whatever can be imported into or exported from the ports of one country, in its own vessels, without any regard to the place of its origin, may, in like manner, and upon the same terms and conditions, be imported or exported in the vessels of the other country. This is the most perfect freedon of navigation. We can conceive of no privilege beyond it. All the shackles which the selfishness or contracted policy of nations had contrived, are broken and destroyed by this broad principle of universal liberality. The President is most anxious to see it adopted by all nations. Since the commencement of the present administration, besides the Gautemala treaty, the principle has been embraced in treaties concluded with Denmark, Sweden, and the free Hanseatic cities of Europe; in the two former instances with a slight modification, not at all, however, impairing its value.

2. The second basis which I have stated, found in the convention with Great Britain, in respect to commerce and duties, both on exportation and importation, is the same as that contained in the treaty with the Federation of the centre of America, and it would, therefore, secure to our produce and manufactures an admission into the ports of the Brazils upon as favorable terms as similar produce and manufactures of any other foreign country. But there is a wide difference between the two treaties, in in relation to navigation: according to our convention with Great Britain,

its privileges are limited to the importation of the produce and manufactures of the two countries respectively, neither being permitted to import into the ports of the other, goods from any other parts of the world. Within those restricted limits, that convention secures a perfect equality and reciprocity between the vessels of the two countries. It was a great improvement on the previous condition of the navigation of the two countries, but it falls far short of the comprehensive scope of the treaty with Central America.

3. The last basis which I have mentioned is that of the Colombian treaty, according to which the rule of the most favored nation has been adopted. The objections to this principle are, in the first place, the difficulty of always clearly discriminating between that which is a gratuitous concession and what is granted upon equivalent; secondly, the difficulty of ascertaining the precise extent of commercial favors which may have been granted to all, or any one, the most favored, of the commercial powers; and, thirdly, a grant by the United States of all the concessions which it has made to the most favored nation, in consideration of a similar grant from a foreign Power, might far transcend the limits of a just equivalent. The most favored nation, according to the commercial policy of some states, has its commerce and navigation loaded with burdens and restrictions; but the most favored nation, according to the liberal and enlightened policy of the United States, has its commerce and navigation freed from almost all burdens and restrictions.

Of the three bases which I have described, the first is entitled to a decided preference. You will therefore use your best endeavors to get it adopted. The treaty with Central America may be taken as a model, in all its articles, for one which you are authorized to conclude with the Government of the Brazils. If the assent of that Government can be obtained to the fourth and fifth articles of that treaty, you may agree to include or omit all or any of the other articles, according as you find the disposition of the other party.

Should the Government of the Brazils decline acceding to the principles of the treaty of Central America as a basis, your next endeavor will be to get that of the convention of Great Britain of 1815 adopted; and if that should be agreed to, you may propose to be connected with it the various articles of the treaty with Central America.

If you cannot prevail upon the Brazilian Government to negotiate on the basis of neither the treaty with Central America nor the convention with Great Britain, you will lastly propose the rule of the most favored nation, as contained in the treaty with Colombia; and you will offer to connect the other articles contained in the same treaty, most of which are identically the same as those contained in the treaty with Central America. That rule will at least secure to us equal competition with other foreign Powers in the trade with the Brazils.

Considering the present state, and the probable future extent, of the naval power of the United States, the opinion entertained by some is not without plausibility, that their interest is adverse to those liberal maritime principles for which they have ever contended since their origin as a nation. That opinion, perhaps, would be well founded if they were likely to be frequently involved in maritime wars: but their prosperity is so evidently connected with the preservation of peace, that it is to be hoped that they will but be rarely involved in war. Whatever may really be the pecuniary interest of belligerant maritime Powers, there can be no doubt that the general cause of humanity and civilization will be promoted by the adoption of those maritime principles which the United States have so perseveringly endeavored to establish.

It is in that view of the matter that the President wishes you to propose those articles which relate to that subject which you will find in the treaty with Central America, and to press them as long as there is any reasonable prospect of their being agreed to.

The principle of equality and reciprocity between the navigation of the two countries may be objected to, both in its more general and limited extent, upon the ground of the infancy of the mercantile marine of the Brazils, and its incompetency, therefore, to sustain an unequal competition with that of the United States; but if a competition cannot be maintained under a system of exemptions, how can it be under one of reciprocal restrictions? If one maritime Power, in its intercourse with another, endeavors to secure to its own navigation peculiar advantages, by laying burdens upon the navigation of that other, from which its own is free, countervailing legislation is the necessary consequence. Restriction begets restriction, until the parties, after a long course of irritating legislation and counter-legislation, find themselves arrived, in the end, at a point of equality it is true, but it is an equality either of mutual interdiction of all intercourse, or of burdensome restrictions essentially impairing the value of that intercourse. When that point is at last reached, the discovery is made by the contending parties that they had better have set out with equal and reciprocal freedom from burdens; and that each has injured himself as much if not more than the other, by the shackles which were attempted to be put upon his navigation. It is to be hoped that the Governments of the United States and the Brazils will avoid this unfriendly process of imposing burdens and restrictions upon the navigation of each other, and, in their first treaty of commerce, exhibit to the world an example of equal justice and liberality worthy of imitation.

With respect to the duration of any treaty on which you may be able to agree, it may be fixed for a term of about ten or twelve years. It will be well to add a clause providing against the unintentional expiration of the treaty, whatever may be the term you fix upon, similar to the stipulation contained in the eleventh article of our late treaty with Denmark.

A full power is herewith transmitted to enable you to enter upon the negotiation, and to conclude the treaty to which you are authorized to agree.

I am, with great respect,
Your obedient servant,
H. CLAY.

William Tudor, Esq.
Chargé d'Affaires at Brazil.

P. S. I transmit herewith a copy of Elliot's Diplomatic Code, embracing a collection of the treaties and conventions between the United States and foreign Powers.
H. C.

No. 7.

Mr. Clay to Mr. Tudor.

DEPARTMENT OF STATE,
Washington, *March* 31, 1828.

SIR: Since the date, on the 29th instant, of my letter to you, in regard to a commercial treaty with the Brazilian Government, I have received a copy signed at Rio de Janerio, on the 17th day of August last, between that Power and Great Britain. By the 20th article, an exception of greater favor to the produce of Portugal, when brought direct from Portugal, in Portuguese or Brazilian ships, is allowed, than to similar British produce. Although the reason assigned for that exception is inapplicable to the United States, yet it may be insisted upon, in consequence of the ancient political connexion between Portugal and the Brazils, and the present connexion between the reigning families of the two countries. You will oppose it as long as there is any probability of its being successfully resisted; but if you find it necessary to yield the point, to secure the conclusion of a treaty, you are authorized to do so.

By the 19th article of the same treaty, the rate of duty established for all British, or British colonial produce, is not to exceed 15 per cent. *ad valorem.* We should be entitled to the admission of our produce at the same rate of duty, if either of the three bases is adopted on which you are authorized to conclude a treaty. The adoption of either of them would, however, leave open to possible controversy the question whether our productions were *similar* or not to those of Great Britain, or the most favored nation. To guard against all danger of dispute on that ground, it would be expedient to insert an additional article, corresponding with the above-mentioned 19th article. Perhaps it may be required, on the other side, that we should agree, as an equivalent, to receive Brazilian produce at the same rate of duty in our ports. To such a stipulation you will not consent. It has formed no part of our foreign policy to subject this Government to any limitation as to the amount of duty which it may think proper to impose on foreign productions; and the President cannot authorize any deviation from our established policy in that respect. Foreign Powers have been content to treat with us upon the principle that their respective productions shall be received at the same rate of duty which is paid by the most favored nation; and what that should be, has been left to the direction of Congress. We should not ask that the Brazilian Government would subject itself to any restriction in this particular, if it had not thought proper to adopt it in reference to other Powers. This subject will require to be touched with much delicacy, and if you should have reason to apprehend, in the course of the negotiation, that the proposition may not be well received, you will refrain from making it, and let us depend upon the just interpretation, without it, of that one of the three principles on which you are authorized to conclude a treaty, according to all of which we would have a right to insist upon the admission of our produce on as favorable terms as that of Great Britain.

Although I have treated, in the former instruction, of the rule of the most favored nation, as a distinct basis from the other two which are there mentioned, it will, of course, occur to you that it is not incompatible with them, but may be well incorporated in the same treaty with either of those two.

I am, respectfully, your obedient servant,

H. CLAY.

William Tudor,
Chargé d'affaires to Brazil.

No. 8.

Mr. Clay to Mr. Tudor.

Department of State,
Washington, April 1, 1828.

Sir: From late communications received at this Department from our consul, Mr. Wright, at Rio de Janeiro, it is seen with surprise that the Brazilian Government persists in the measure of exacting from neutrals clearing from the port of Montevideo, bonds obliging them not to enter any Buenos Ayrean port. That measure can find no justification whatever in the usage or laws of nations. Its pretext is the violation of blockade instituted by the Government of Brazil. A blockade must execute itself. The presence of the force which constitutes it is the means of enforcement. The belligerant has no right to resort to any subsidiary means. Such a resort is a tacit admission of the incompetency of the blockading force to sustain the blockade, and, consequently, confesses its illegality. The belligerant can have no right, especially, to exert any municipal authority, as the measure in question is, over neutral vessels, to execute his belligerant designs. The belligerant has no more right to lay the neutral under bond to respect the rights of war, than the neutral has to lay the belligerant under bond to respect the rights of neutrality.

What would his Imperial Majesty think of a demand of the Government of the United States, if it could bring itself to make a demand, from all his cruisers that might resort to their ports, to enter into bonds with sureties, obliging them to abstain from all captures of American vessels?

The measure in question is attended with the greatest practical inconvenience. It must be often difficult if not altogether impracticable for our traders to obtain in distant and foreign ports, the securities satisfactory to the local authority. We cannot submit to the measure.

If it shall be in operation on the receipt of this despatch, you will remonstrate against it with an urgency proportionate to its manifest want both of principle and precedent; and, if necessary, you will notify the Brazilian Government that the commanders of our public vessels will be instructed to disregard and resist it.

I am, with great respect,
Your obedient servant,

H. CLAY.

William Tudor,
Chargé d'Affaires to Brazil.

No. 9.

Mr. Clay to Mr. Tudor.

Department of State,
Washington, December 3, 1828.

Sir: Your despatches from No. 90 to No. 110, inclusive, with the exception of No. 107, and your private and confidential letter of the 20th August last, have been received and submitted to the President. He sees with satisfaction the successful progress which you have made in the several important negotiations with which you are charged, and he hopes you will have brought them, by this time, to a favorable conclusion. It would be very agreeable to us to be able to present the treaty of commerce and navigation to the Senate during this present session. Although it may have been desirable that no exception of Portugal should have been made from the operation of the liberal basis of the treaty, that exception will not much impair its value. The course you pursued is approved of, withholding those claims of a suspicious character, and urging, in the first instance, those only whose justice is incontestable. In regard to the former, should the claimants be hereafter able to satisfy you, or the Government here, that the objections which appear to them are not well founded, they may be presented on some fit occasion.

I am, with great respect,
Your obedient servant,
H. CLAY.

William Tudor,
Chargé d'Affaires to Brazil.

No. 10.

Mr. Clay to Mr. Tudor.

Department of State,
Washington, January 20, 1829.

Sir: The owners of the brig Budget, of Baltimore, which was captured in August last, near Montevideo, by the Brazilian squadron, have exhibited the protest which was made by the master and crew at the time of her capture, and have requested that an instruction be transmitted to you to demand of the Brazilian Government the indemnity to which they conceive themselves entitled, in consequence of the seizure and detention of their property. It is stated that the vessel has been condemned by the prize court at Montevideo, but an appeal has been taken from the decision.

Assuming the correctness of the narrative which is contained in the protest, there can be no doubt of the illegality of the capture of this vessel. It appears that, after discharging a part of her cargo at Rio de Janeiro, she sailed with the residue, consisting of whiskey and tobacco, for Montevideo; that the Budget struck upon one of the banks going into the La Plata, in a violent gale, and lost her rudder; that in this crippled condition she remained several days, until she had constructed a temporary rudder; that she was actually in sight of Montevideo, bound in, when she was taken possession of by the Brazilian squadron; and that if she was a few miles beyond the line of blockade it was owing to her unmanageable state, and to her being driven there by the violence of the winds and currents.

Her condemnation must have taken place at Montevideo upon the ground of her intention to violate the blockade of the river, but if the statements of the protest are true, there was no such intention. The circumstances of her situation fully explain and excuse the fact of her apparent violation of the blockade. There is one statement made in the protest which, from the peculiar atrocity of the transaction, will command your attention, and calls for the severest punishment from the Brazilian Government.

The owners of this vessel have been advised to transmit to you the above-mentioned protest. You will investigate the circumstances attending the capture of the vessel, and if it shall appear that it was illegal, you will afford such official interposition as may appear best calculated to obtain, for the owners, the indemnity to which they may be entitled. If the appeal should be still pending upon the receipt of this letter, you will be best able to judge, on the spot, whether your official interference before or after the decision of the appeal is most likely to have the desired effect.

I am, with great respect,
Your obedient servant,
H. CLAY.

William Tudor,
Chargé d'Affaires to Brazil.

No 11.

Mr. Clay to Mr. Tudor.

Department of State,
Washington, January 29, 1829.

Sir: I have received your despatch No. 115, under date of the 11th ultimo, and submitted it to the President of the United States. The treaty which you were to have signed on the 13th has not yet arrived.

The President learns, with deep regret, your ill state of health, both on your own and the public account. It affords a reason for the retirement with which you wish to be indulged, from your present station, of so much force, that the President yields to your wishes. You will, accordingly, consider yourself authorized to return to the Unted States as soon after the receipt of this despatch as you may think proper. I am directed by the President to express to you his entire satisfaction with the diligence, ability, and address with which you have executed the duties of your mission during your residence at Rio Janeiro. After saying so much it is of very little consequence to add, and yet I cannot deny myself the gratification of doing it, that I concur fully with the President in the estimate which he has made of your services. It will give me much pleasure to hear of the speedy restoration of your health, and, also, to hear that the public has been again availed of the benefit of your talents, exerted on some theatre more congenial with your constitution and the preservation of your health than the relaxing climates of South America, in which you have so long resided.

On taking leave of the Brazilian minister of foreign affairs, you will inform him of the causes which have led to your return. You will also assure him that the Government of the United States may be expected to replace you as soon as a suitable successor can be designated and sent to the Brazils. Such of the papers of the legation as you may not bring with you home, you will confide to the care of our consul, Mr. Wright, to be delivered to your successor, on his arrival. You ought, especially, to leave with him any documentary evidence in support of claims of American citizens upon the Brazilian Government, the admission or satisfaction of which you have been unable to procure during your mission.

I am, with great respect,
Your obedient servant,
H. CLAY.

William Tudor,
Chargé d'Affaires to Brazil.

No. 12.

Mr. Van Buren to Mr. Tudor.

Department of State,
Washington, April 7, 1829.

Sir: In compliance with the wish expressed in your despatch No. 119, to this Department, it gives me pleasure to transmit to you the letter enclosed, from the Secretary of the Navy to the officer commanding the naval force of the United States on the Brazilian station, directing him to afford convoy to the vessel in which you embark, upon your return home, under the permission given to you by the late President of the United States, and communicated by a despatch from my predecessor of the 29th January last, as far on your voyage as may be deemed compatible with the convenience of the service of the naval force of the United States on that station.

In taking leave of the Government of Brazil, it is the wish of the President that you should make known his purpose to appoint a person to succeed you, who will be despatched to Rio de Janeiro as soon as circumstances will permit, to take your place, and that this Government entertains, and will continue to cherish, the most friendly sentiments towards that of his Imperial Majesty.

You will, at the same time, take advantage of the occasion to make known to his Imperial Majesty's minister of foreign affairs, for the information of his sovereign, that the conduct of Mr. Rebello, who has so long represented his Government in the character of chargé d'affaires near this, has secured to that respectable functionary, in an eminent degree, the confidence and esteem of the Executive of the United States.

I am, with great respect, sir, your obedient,

M. VAN BUREN.

William Tudor,
Chargé d'Affaires at Brazil.

P. S. The letter from the Secretary of the Navy, alluded to in the foregoing, it is just ascertained, has been transmitted through another channel. A copy of it is herewith sent you. M. V. B.

No. 13.

Mr. Van Buren to Mr. Tudor.

Department of State,
Washington, April 11, 1829.

Sir: Herewith is enclosed to you the protest of John Wightman, master of the brig Budget, of Baltimore, and of certain other persons, showing the illegal seizure and detention of said vessel, under authority of the Brazilian Government. It has been represented to this Department, by Messrs. John Franciscus, G. B. Wilson & Co., and James C. Sellman, who appear to be the parties interested, that the brig has undergone the formality of a trial by the prize court at Montevideo, and has been condemned, and that an appeal from the decision has been taken to a higher court at Rio de Janeiro.

You are hereby instructed to bring this case before the consideration of the Brazilian Government, and to make such a representation to it in behalf of the parties concerned, as the protest now transmitted, or any farther document forwarded to you by them, may authorize, and as may seem best calculated to procure indemnity for the loss sustained. The friendly relations existing between the Government of the United States and that of Brazil leave no room for apprehending that the result of your exertions will be otherwise than satisfactory.

I am, sir, respectfully, your obedient servant,

M. VAN BUREN.

William Tudor,
Chargé d'affaires of U. S. at Rio de Janeiro.

No. 14.

Mr. Van Buren to Mr. Tudor.

Department of State,
Washington, April 22, 1829.

Sir: I am directed by the President to inform you that it would be gratifying to him, if the state of your health does not imperiously require your return home, that you should remain at Rio de Janeiro till you receive further orders from this Department.

This Government has not yet determined upon its course in reference to the recognition of that of Don Miguel, though Mr. Torlade, having credentials from Don Miguel as chargé d'affaires, is now here, and is soliciting to be received in that character.

There is reason to believe that the friendly and amicable relations so happily prevailing between this Government and that of Brazil have, heretofore, in some measure influenced the policy of the former upon this delicate subject, and they certainly continue to operate upon its councils now, in the repugnance which is felt here to the taking of any step which may tend in the smallest degree to impair them. As it is the duty, however, of the President to come to some conclusion upon this point, it is his wish that nothing should be omitted, on your part, to render it acceptable to his Imperial Majesty, by suitable explanations of the course which has been invariably pursued by this Government in respect to the recognition of Governments exercising, *de facto*, all the attributes of sovereignty, in case the President should decide upon recognising that of Don Miguel; and it will be well for you to press upon the Government of Brazil, in the mean time, a favorable decision in respect to the unsettled claims of our merchants, under your care, and the satisfaction of those which have been already adjusted.

I am, sir, respectfully,
Your obedient servant,
M. VAN BUREN.

William Tudor,
Chargé d'affaires of U. S. in Brazil.

No. 15.

Mr. Van Buren to Mr. Tudor.

Department of State,
Washington, September 4, 1829.

Sir: Your despatch No. 132, of the 4th of July, has just been received at this office, with the duplicate of your preceding one, No. 131, of the 2d of the same month, the original whereof had been previously received. It is very satisfactory to learn from these communications that your health was improved, and from the one last referred to, that, conformably with the desire of the President, you had determined to await his further orders at Rio de Janeiro, and in the mean time to continue your services to the United States there, as their chargé d'affaires; but by your despatch of the 4th of July you appear to be apprehensive of the risk of a continued residence in the tropical climate of that capital, at the return of the sultry weather of the approaching summer of that region, without a previous invigoration of your constitution by a few months' respiration of the bracing atmosphere of this; and you request the President's permission to leave your post, for the benefit of this change, by the first of October, on a visit to the United States. It gives me pleasure to inform you, by direction of the President, that although he might have been induced to grant the indulgence requested, for the object required, even under other circumstances, that, under those which exist, in reference to the satisfactory adjustment which has been effected through your management and the just policy of the Brazilian Government, of the important and interesting concerns which had devolved upon you on your arrival at Rio de Janeiro, or have since been placed under your charge, he does not hesitate at all in now giving you the permission requested; and I take advantage, with great satisfaction, of the earliest opportunity to make you acquainted with his pleasure in this respect.

But you will take care, before your departure, to make known to the Government of Brazil that your absence will occasion only a short suspension of the diplomatic relations between the two countries at Rio de Janeiro; that this Government estimates too highly the value of the friendship and good will of that of his Imperial Majesty to omit any proof or demonstration of that sentiment; and that it will consequently not long be wanting in that act of convenient and appropriate courtesy: and you will place the books and papers of your mission in the hands and under the care of Mr. Wright, our consul at Rio de Janeiro, for safe keeping.

It is the wish of the President that you should likewise, before your departure, prepare the Brazilian Government for the indulgent reception of intelligence of a recognition by this of the chargé d'affaires of Don Miguel, who has now been more than twelve months in the United States, incessantly pressing this Government to recognise him in that character. This has heretofore been declined on the part of the President, but can now not much longer be delayed with a due regard to our own consistency, or the obvious interests of the United States.

Upon my taking charge of the affairs of this Department, I addressed a letter to Mr. Brent, the chargé d'affaires of the United States at Lisbon, at the instance of the President, directing him to ascertain what was the real state of things in Portugal with regard to the conflicting claims of the parties claiming the sovereignty of that country, and to report the facts to me, for the information of the President, that he might be the better enabled to form a correct decision upon the application of Mr. Torlade, the chargé d'affaires alluded to of Don Miguel, and I have just received Mr. Brent's report upon the subject, from which it appears that Don Miguel occupies the throne of Portugal as absolute King; that throughout the whole of that realm, without any exception, his authority as such is recognised and acknowledged; and that he exercises over it complete, uncontrolled, and exclusive dominion.

Although I am fully aware of the difficult task which is thus assigned to you of rendering a measure of this sort at all acceptable to the Brazilian Government, yet it cannot but be hoped that you will be able, from a representation of its true character, and of the course heretofore invariably pursued by this Government in similar cases, to mitigate, if not entirely to overcome, the prejudices which it may produce. You can with truth state that there is reason to believe much embarrassment and inconvenience are experienced by the mercantile and navigating interests of the United States, from the delay which has already taken place in this respect; that the little trade with Portugal which is permitted to the merchants of the United States by the pre-existing regulations of the monarchy of that country is subject to constant and imminent risk, from the want of the accustomed and necessary documents, proving its legitimacy, which should emanate from official and recognised sources in this country, designated by the actual Government of Portugal itself, to entitle them to respect; that, under all those circumstances, one of the principal causes of the delay which has occurred in recognising that Government is the reluctance which has been felt by the President at taking such a step from an apprehension that its true nature and policy might be misunderstood by the Government of his Imperial Majesty.

I am, sir, with great respect,
Your obedient servant,
M. VAN BUREN.

William Tudor,
Chargé d'affaires of the U. S. at Rio de Janiero.

No. 16.

Mr. Van Baren to Mr. Tudor.

Department of State,
Washington, January 22, 1830.

Sir: Herewith you will receive the copy of a protest made before James Bond, acting consul of the United States at Montevideo, on the 20th of October, 1827, by Stephen J. Lewis, merchant of the city of New York, against the commanding officer of the Brazilian blockading squadron, for the personal injuries and damage which he suffered by reason of his seizure on board the Caspian, an American vessel in which he was then recently embarked and sailing upon a lawful voyage, by one of the vessels of the squadron referred to, and for his subsequent detention and sufferings on board several of the vessels of the same squadron; but more especially for the serious loss and injury which he sustained by the robbery and plunder of a large sum of money belonging to him, in notes and specie, which was taken from his trunks and baggage whilst they were in the custody and under the care of the blockading force in question.

If the circumstances set forth in this protest should be found to be truly stated, as there is every reason to believe is the case, they will appear to you, as they do to this Department, to be of a very aggravated character indeed, well entitling the suffering party to ample redress and reparation from the Brazilian Government, and you will accordingly take the necessary steps for obtaining this satisfaction.

I have the pleasure to acknowledge the receipt at this Department, by the mail of this day, of your several despatches, numbered from 146 to 149, inclusively, with their enclosures, and to inform you that the President not only approves of the manner in which you have conducted the public business committed to your care, since your residence at Rio de Janeiro, from the exemplary discretion which has invariably marked your course, but that he feels very great satisfaction indeed at the successful result to which it appears, from some of these despatches, that your negotiations with the Brazilian Government, concerning numerous and large claims of citizens of the United States to indemnities from that Government, have been brought. On these accounts the President is more particularly gratified that you should have determined, as he infers from your silence upon the subject, to remain where you are.

You were prepared by a despatch from this Department, dated the 4th of September last, to anticipate the early recognition, by this Government, of the chargé d'affaires of Don Miguel, and were instructed to smooth the way for the indulgent reception by the Government of Brazil, of the actual intelligence of this event; but as it was expected that you might probably be on your return home when the formal recognition of that agent did take place, which happened on the 1st of October following, it was deemed unnecessary to notice the fact in a communication addressed to yourself. If it should be deemed expedient, in your judgment, that any further explanations be now offered to the Government of Brazil upon this subject, to reconcile the mind of his Imperial Majesty to the course adopted by the President, you will take the first suitable occasion for making them.

I am, sir, respectfully,
Your obedient servant,
M. VAN BUREN.

William Tudor, Esq.
Chargé d'Affaires U. S. to Rio Janeiro.

No. 18.

Mr. Van Buren to Mr. Tudor.

Department of State,
Washington, February 10, 1830.

Sir: Herewith you will receive the copy of a letter from Mr. John Winn, jun., president of the Mercantile Insurance Company at Salem, to Mr. Silsbee, of the Senate of the United States, which he has communicated to this Department, together with a copy of the one to which Mr. Winn refers, and which he wrote on the same day to me, upon the subject of the claim of the Insurance Company in question on the Brazilian Government, in the case of the brig Pioneer; which vessel appears to have been captured by the Brazilian blockading squadron of Buenos Ayres, and carried into Rio de Janeiro for adjudication. As all the circumstances of this case, and the nature and merit of the claim of the parties to a just indemnity in it, are quite familiar to your mind, I shall content myself, upon the present occasion, with barely calling your attention to it anew, for the purpose of procuring from the justice of the Government of Brazil a reconsideration of the decision which it seems has been already made in relation to it.

I take advantage of the same opportunity to transmit to you, likewise, a letter from Mr. John Glenn, of Baltimore, to this Department, dated

21st July, 1829, together with the papers or documents to which Mr. Glenn refers, in the case of the owners of the brig President Adams, upon the Government of Brazil; and I flatter myself that these documents will obtain for the parties interested, through your agency, a favorable decision upon their claim, which appears to have been suspended for the want of this proof.

I am, sir, respectfully, your obedient servant,

M. VAN BUREN.

William Tudor, Esq.
Chargé d'Affaires U. S. at Rio Janeiro.

No. 19.

Mr. Van Buren to Mr. Tudor.

Department of State,
Washington, February 24, 1830.

Sir: You will receive herewith the copy of a letter from Mr. Winthrop Sargeant, of Philadelphia, to this Department, together with sundry documents which accompanied that letter, containing the necessary evidence to establish the ownership and national character of the schooner Adams. For the capture of this vessel by the Brazilian squadron blockading Buenos Ayres, under circumstances manifestly entitling its owners to indemnity, a claim was presented to the Government of his Imperial Majesty, but rejected for want of the proofs which the documents now sent are intended to supply. The knowledge you possess of the merits of this case render unnecessary any further allusion to the circumstances of the seizure, and will enable you to convey a correct understanding of them to the Brazilian Government. In doing this you will, as far as in your judgment the justice of the case will warrant, urge upon that Government the wish and expectation of the President, that the justice with which his Imperial Majesty has in other cases redressed the injuries committed upon our commerce under his authority, will not leave the claimants in the case under consideration without the indemnity to which they appear to have an indisputable right.

I am, with great respect,
Your obedient servant,

M. VAN BUREN.

William Tudor, Esq.
Chargé d'affaires U. S. to Brazil.

No. 20.

Mr. Van Buren to Mr. Tudor.

Department of State,
Washington, March 2, 1830.

Sir: You will receive, herewith, the copy of a letter from Mr. Robert Dyson, of New York, requesting that certain documents accompanying it may be transmittted to you, in order to enable you to present to the Government of Brazil the proofs of ownership necessary to substantiate his claim for indemnity in the case of brig Matilda. As it appears that the documents referred to have been procured at your suggestion, it is presumed that they will be sufficient to accomplish the object in view. They are, therefore, agreeably to Mr. Dyson's request, herewith transmitted, in the hope that justice will ultimately be done to the claimant in this case.

I am, sir, &c.

M. VAN BUREN.

William Tudor, Esq.
Chargé d'Affaires U. S. to Brazil.

No. 80.

Mr. Tudor to Mr. Clay.

Lima, *December* 3, 1827.

Sir: I had yesterday the honor to receive the duplicate of the despatch from the Department, signed by Mr. Brent, and enclosing me a commission as chargé d'affaires at Rio Janeiro. The honor done me by the President in this mark of his confidence, as unexpected as unsolicited, hardly leaves me free to weigh sufficiently the various motives I have for returning home, and which, if I were to consider for a longer time, might prevent me from accepting, as I now do, the appointment. I do this, however, in the confidence that if the climate does not agree with a state of health greatly impaired, that I shall not be bound to continue any longer than till another may be sent to relieve me. It was my intention to have left here in March on my return. I shall now take the first opportunity that may offer of going to Rio, where I shall hope to meet your further directions. It is probable I may find some vessel going there in the course of a month.

I hope my letters Nos. 78 and 79 may have arrived before this gets to hand. The despatches referred to in them are ready to be forwarded by the first *safe* occasion. I enclose a letter to Mr. Sergeant, having heard, since it was addressed to him, of his return. I beg you to open it, as it contains some additional light on subjects connected with the Congress of Taculaya.

A severe access of illness, that has confined me to my room for ten days, leaves me without strength to copy it, and to add more than the repetition of the high respect with which

I am your obedient servant,

W. TUDOR.

Hon. Henry Clay,
Secretary of State.

No. 85.

Mr. Tudor to Mr. Clay.

VALPARAISO, *March* 30, 1828.

SIR: By a vessel which arrived last night from Callao, we have received the painful intelligence of the death of Mr. Cooley, to the very sincere regret of all his countrymen. It being important that this melancholy event should be known to you as early as possible, I enclose this letter to Mr. Forbes, at Buenos Ayres, to forward.

It is most mortifying to me to be dating a letter from this side of the continent, when you will have naturally presumed I should some time since have been on the other. In former letters, I explained a part of the delay, as occasioned by the long time your despatches were in reaching me, and when they came, that I was confined to my bed by illness. Since my arrival here, I have been vainly seeking an opportunity to get to Brazil by water, if possible, as the state of my health, though greatly improved, makes the journey by land not advisable, besides that time would probably be gained in going by sea. I am still perplexed with anxiety at no opportunity offering, and shall decide within a day or two between waiting for the next English ship of war, in which I am offered a passage, or going across the Cordillera. The report of peace between Buenos Ayres and Brazil, which came two days since, removes one slight objection to taking my course through the former country, and at the same time alleviates the apprehension a little that our affairs might suffer from my absence.

General Santa Cruz arrived last night from Lima, on his way to Buenos Ayres, as minister from Peru. He came up in a Peruvian brig of war, which also conveyed a large transport ship that takes down a number of horses for the Peruvian cavalry. I hear nothing new from Peru, except the unfortunate loss mentioned in the beginning of this letter.

I have the honor to be,
With high respect,
Your obedient servant,
W. TUDOR.

Hon. HENRY CLAY,
Secretary of State.

No. 88.

Mr. Tudor to Mr. Clay.

VALPARAISO, *April* 13, 1828.

SIR: I had the honor to address you on the 30th ultimo, to communicate the melancholy intelligence of Mr. Cooley's death, which took place in Lima on the 24th of February, after a few days' illness. His remains were interred, with every mark of respect, on the island of St. Lorenzo. I have written to General Lamar, suggesting the necessity of his sending some envoy to the United States, and especially after this unfortunate event of Mr. Cooley's decease; that the circumstances which had hitherto prevented such a step on the part of Peru were well understood at Washington; but, as these circumstances were fortunately changed, and as Peru now contained the ashes of two American agents, (a third having narrowly escaped,) such a measure would be expected, and its expediency at the present moment was obvious.

I am happy to say that the accounts from Peru are of a very encouraging nature, in relation to political affairs; and these are confirmed by the last letter I received from General Lamar, who is not prone to be sanguine. Under date of March 8th, he writes as follows:

"Affairs in the South and the North go on ameliorating every day, and Bolivar is really incapacitated from attacking us openly, and it is impossible that Sucre should remain much longer in Bolivia, owing to the movements of the auxiliaries, whom he is exerting himself to send away as being dangerous.

"Thus, in the course of two or three months, we may be able to make some reforms, and count on some disposable funds to satisfy the interest of the loans. This is at present the chief object of attention both with Congress and myself."

I have at length been able to obtain a passage for Rio, and embark in the ship Star, of Philadelphia, which sails for that place the 15th instant, touching at Coquimbo, and I hope I may reach my destination in two months.

I have the honor to be, with great respect, your obedient servant,

W. TUDOR.

Hon. Henry Clay,
Secretary of State.

No. 90.

Mr. Tudor to Mr. Clay.

U. S. Ship Macedonian,
Rio Janeiro, June 23, 1828.

Sir: At length I have the satisfaction of addressing a letter from this place, where I arrived yesterday afternoon. I have received your several despatches, Nos. 1, 2, 3, 4, with the enclosures, and the books and documents left by Mr. Wyer in the care of Mr. Wright. That gentleman has also the books, &c. belonging to the legation. I have not yet been on shore, but have this day addressed a letter to the minister of foreign affairs, apprizing him of my arrival, and that I am ready to call on him and present my credentials at any time he may appoint.

I shall devote myself assiduously to the examination of the documents and the study of your instructions, and I hope in a few days to be able to communicate the progress I may make in the affairs with which I have the honor to be intrusted.

I am, with highest respect, your most obedient servant,

W. TUDOR.

Hon. Henry Clay, *Secretary of State.*

No. 91.

Mr. Tudor to Mr. Clay.

U. S. Ship Macedonian,
Rio Janeiro, June 26, 1828.

Sir: I have the honor to inform you that I had yesterday my first interview with the Marquis of Aracaty, minister of foreign affairs, by whom I was received with great courtesy, and the strongest assurances of the desire of this Government to be on the most friendly terms with the United States, which expressions I reciprocated. Saturday, the 28th instant, is named for my being presented to the Emperor. I enclose copies of my first letter to the minister, and his answer, which I do with more pleasure from the tribute it bears to our consul, Mr. Wright, which I have no doubt he fully deserves, as he appears to me a most respectable young man, and faithful agent of his country.

It is a fortunate circumstance that the minister speaks English extremely well, and as I am unacquainted with the Portuguese, our intercourse will be much facilitated. So far as exteriors go, I hope for a favorable result on the subjects particularly committed to me, and I shall by every occasion communicate the progress I may make.

I have honor to be,
With high respect,
Your obedient servant,
W. TUDOR.

Hon. Henry Clay,
Secretary of State.

No. 1.

Mr. Tudor to the Marquis of Aracaty.

U. S. Ship Macedonian,
June 23, 1828.

Sir: I have the honor to address your excellency, to say that I arrived in this harbor yesterday afternoon, being honored with the commission of chargé d'affaires of the United States of America near his Majesty the Emperor of the Brazils.

The long delay that has occurred between the date of my appointment and my arrival, has been occasioned by circumstances that could neither be anticipated nor avoided by my Government or myself, and makes me more anxious to lose no time making my arrival known to your excellency, and saying that I shall have the honor to present my credentials at any time you may designate.

I pray your excellency to receive the assurance of my very high respect and consideration.

W. TUDOR.

To the Marquis of Aracaty, &c.

The Marquis of Aracaty to Mr. Tudor.

June 25, 1828.

Sir: I acknowledge the receipt of your letter of the 23d instant; and, felicitating you on your arrival at this Court, I have the honor to communicate to you that I shall have great pleasure in receiving you at my house in the Rua de Condo, to-day at one o'clock, or at any other time most convenient to you, having in that case the goodness to apprize me first.

As I am persuaded that Mr. Wright, whose noble conduct during his residence here deserves all praise, would have already informed you how sincerely desirous is the Brazilian Government of maintaining unalterable the relation of friendship and good understanding happily subsisting between the two countries, I confidently hope that you will cooperate on your part to strengthen those relations which are necessary to our mutual interests.

The excellent qualities with which you are endowed are so well known that I already anticipate the satisfaction I shall have in communicating with you.

I avail myself of this opportunity to offer you, for the first time, the assurances of my perfect esteem and consideration.

THE MARQUIS OF ARACATY.

Hon. W. Tudor,
Chargé d'Affaires from the United States of America.

No. 92.

Mr. Tudor to Mr. Clay.

U. S. Ship Macedonian,
Rio Janeiro, June 26, 1828.

Sir: I am not yet sufficiently acquainted with the new scenery and actors around me to communicate facts and opinions from my own personal observation, but as it may be interesting to hear something of two or three recent occurrences, I will relate them as reported.

About ten days ago a very alarming disturbance took place on shore by the turbulent conduct of some Irish and Germans. It appears that a body of Irish, amounting to several hundreds, were brought out here as *settlers;* they were to have a certain portion of land, rations until they could support themselves, and exemption from taxation for a term of years. After their arrival the Government wished to make them soldiers, which they refused; and their rations became irregular and restricted. They mutinied, and some German troops, who were also in arrears of pay, joined them. Great commotion took place; the Governor of the city pursued the strange and dangerous course of arming the slaves, and some shocking scenes followed, in which about seventy lives were lost. The English marines were sent ashore by Admiral Otway, and did duty at the palace, for which service the Emperor, accompanied by his little daughter, the Queen of Portugal, went on board the Ganges, to visit the English Admiral. This ship and the French ships of war manned their yards and fired salutes on his passing. Quiet was soon restored, the slaves were disarmed, the Irish are to be sent back to Ireland, and the Germans to the army in the South.

Two days since a vessel arrived here from Bahia, with the account of a dangerous conspiracy that had been discovered two days before it was to have been carried into effect. The plan was revolutionary and to murder the Governor, and all the persons in authority, revolt from the Emperor, &c. The Don Pedro 74 sails in a few days for that place.

A British vessel of war has arrived this morning from Montevideo, which she left June 1st. All hope of peace had vanished, and the blockade was maintained with more care and strictness than before.

It is extremely to be regretted that Congress refuse to pass the appropriations in the mode recommended by the Secretary of the Navy; the mischief is very extensive of keeping our seamen till their time of service has expired in foreign ports. The men, with that reckless infatuation which attends a sailor, having considerable sums due them, insist on being discharged: their whole wages are then wasted in a few days on shore, and they become afterwards a charge on the consul, or enter into foreign service and are lost to their country. Sixty or seventy men have been lately discharged from this ship, and in a few days a great many more will have a right to make the same demand. The greater part of these, after being despoiled of their earnings on shore, are either crimped for the Brazilian navy, in which they are promised high wages; or, what is deplorable, engaged on board vessels in the slave trade, in which, I am told, upwards of forty vessels have sailed within a short period, the prospect of its early extinction having caused a disastrous atrocity in its prosecution.

The Boston, in which ship Commodore Biddle went to Montevideo, is hourly expected. There are now here four Brazilian ships of war in readiness for sea, two English and two French.

I have the honor to be, with respect,
Your obedient servant,
W. TUDOR.

Hon. Henry Clay,
Secretary of State.

No. 93.

Mr. Tudor to Mr. Clay.

U. S. Ship Macedonian,
Rio Janeiro, July 3, 1828.

Sir: Since my last letter, of the 26th ultimo, I have had my introductory audience of the Emperor, which took place on the 28th, at the palace in the city. I was exactly punctual to the hour appointed, and on ascending the stairs was met by the master of ceremonies, who immediately conducted me through the rooms, in which various officers were in waiting, to the door of the hall of the throne. The Emperor, on my entrance, stood up to receive me, having near the throne the Minister of Foreign Affairs and one of the other ministers. I advanced, and made him a short complimentary address in French, as I was told he does not understand English. He answered me a few words in the same language, saying he had much satisfaction in seeing me, and then asked if I had not a letter for him from the President. I immediately handed it to him. This was the letter of condolence on the death of the late Empress, and which the minister had previously requested I would deliver with my own hand. After this I retired. The manner of the Emperor was courteous, and he seemed pleased. On the same day the minister called on me to repeat the assurances of the Emperor's satisfaction, his compliments, &c., and the next day Mr. Lisboa, head clerk in the department of Foreign Affairs, and another gentleman of the same, called on me. One of the diplomatic corps has told me that I was received with particular favor, for all others have been kept in waiting, &c. I mention all these trifles, having as yet nothing else to communicate.

Almost all my time has been taken up with the indispensable ceremonies of calling on the diplomatic corps, the Brazilian ministry, &c. Yesterday I was a second time at Court, by invitation, a levee being held on occasion of the departure of the Queen of Portugal, who sails the day after to-morrow in a Brazilian frigate for Genoa, from whence she goes to Vienna.

This levee had been put off one day on account of the Emperor's indisposition. He appeared serious: the tediousness of court ceremony might be a sufficient cause, but, in addition to this, his own indisposition, the departure of the young Queen, another younger princess being in a dying state, and the disquieting news from Portugal, without the addition of local anxieties, might be ample causes for gloomy feelings. The Queen, now in her twelfth year, is well spoken of. She said, some time since, "If my uncle will not marry me, I will have my cousin;" and many persons assert confidently that it is the intention to marry her to young Napoleon. If Don Miguel, governed by his arrogant, despotic mother, undertakes to usurp the crown such a result may take place, and the Emperor of Austria may have political inducements to unite his grand children, though the union might not be very agreeable to the Court of the Tuilleries.

I have been examining at intervals the documents connected with your instructions, and intend, in the course of the week, to address a letter to the minister opening the business, and, if possible, in such a manner that the answer must determine the sincerity of their professions and the degree of success that may be expected from the negotiation intrusted to me, and about which I feel no little anxiety. I hope in my next letter to be able to communicate something conclusive.

I have been told that the Congress, now in session, have an act under consideration establishing the principle that in all treaties in future every nation shall be placed on the same ground as to duties, &c. They have also a proposal under discussion for selling all the church property, to be applied in payment of the national debt. The monks are said to have no influence in the affairs of Government. The packet has been due several days from Buenos Ayres. It is thought it will bring something decisive on the question of peace. From all I am able to learn, I come to the same conclusion with Commodore Biddle, that there will be peace, and, like him, on no more precise ground than the general one of the folly and mischief of the war for both parties.

Rio Janeiro, though a large city, is very destitute of accommodation for strangers. I am the guest of Commodore Biddle till I can get a house on shore, and I cannot help congratulating myself as well as the country on having an officer of his talent, experience, and knowledge of the world, in command here.

The French squadron is expected from Europe: there are three small vessels of war of that nation here. Admiral Otway, in the Ganges, has only one other small vessel at present. He goes out to convoy the princess for a few days. A ship of the line, two frigates, and some smaller vessels under the Brazilian flag, are now ready for sea. Two hundred and twenty German soldiers arrived this week from Europe. I offer you my cordial felicitations on the eve of the anniversary of the greatest and most beneficent political event that the world has known.

I have the honor to be,
With high respect,
Your most obedient servant,
W. TUDOR.

To the Hon. Henry Clay,
Secretary of State.

P. S. It is said lodgings are prepared for commissioners expected from Buenos Ayres to treat of peace, and that this has been managed without the intervention of Mr. Gordon or Lord Ponsonby; this Government being dissatisfied with both. Mr. G. is said to be very unpopular here; he goes to Europe in the first ship of war, being named to the embassy to Madrid, and will be replaced here by Lord Ponsonby.

No. 95.

Mr. Tudor to Mr. Clay.

Legation of the U. S. A.
Rio Janeiro, July 18, 1828.

Sir: In my letter I had the honor to mention my first interview with the Marquis of Aracaty, minister of foreign affairs, and subsequently to give an account of my first audience of the Emperor. I now enclose copies of the principal notes that have passed between us. There have been several others, but those were invitations to Court or matters of mere form. In referring to the documents, you will perceive that my first letter to him on the subject of the claims was dated the 5th instant, but the next day being Sunday he did not receive it till the 7th. His answer to it was dated the 9th, to acknowledge its receipt and say he should lay it before the Emperor. On the 15th I received a note from him, inviting me to a conference on the 17th, and, on the same day, we had some conversation on the subject at dinner at the French minister's.

I went to the foreign office at the time appointed, and our conference lasted about an hour. It turned principally on the two cases of the Spermo and the Spark, as the Ruth had already been ordered, by a decree promulgated in June, to be given up, with several others, damages paid, &c. A copy of this decree is among the documents enclosed. With regard to the Spermo, I am unable to press the case fully, though, as being the most ancient, it should be the first in order, for want of documents and facts. I find only a simple letter of inquiry from the owners respecting the state of that case; it is not fully gone into in that part of my predecessor's correspondence transmitted to me, and the owners have no agent here to state their claim. I should be glad to be furnished with the documents, if they exist in the Department.

In the case of the Spark the minister was willing to pay for her, and said that a sum had been placed in deposite for that purpose, and that he would ascertain what it was and have the case settled. In the course of our conversation, he complained that much passionate exaggeration had taken place in representing transactions here. When I complained, in turn, of the violence and ill treatment exercised towards the officers and crew of the Ruth, he assured me that the persons who had committed that offence had been punished.

He agreed to the plans proposed, of making a settlement in each individual case with its agent, rather than enter into a formal convention; and you will perceive by my letter I followed your suggestions in proposing the simplest course, as the one that would bring about the most speedy arrangement. The cases which were ordered by the decree to be settled, he wished to leave to the ordinary course of the tribunals, to give the aggrieved their remedy; but I observed to him, that in a subject of this nature, which became a matter of negotiation between Governments, a Government only could be looked to as responsible, and the foreign Government could have nothing to do with their tribunals. Our conversation not being so decisive as I wished, I urged him to give me a distinct answer to my letter. He objected to the shortness of the time; to which I replied, that the principles had been already fully discussed, were very simple in their character, and a very brief answer would be sufficient to show the intentions of this Government. After pressing this request I took my leave.

Further reflection made me more anxious to obtain an answer, and I wrote the letter No. 10 last evening; this was delivered early this morning, and I received his answer, No. 11, this evening. The lateness of the hour prevents my making any remarks upon it.

I shall use every effort to make some progress in the settlement of these claims, with the hope of being able to communicate the same by the next opportunity.

I have the honor to be, with high respect,
Your obedient respect,
W. TUDOR.

Hon. Henry Clay,
Secretary of State.

No. 3.

Mr. Tudor to the Marquis of Aracaty.

The undersigned, chargé d'affaires of the United States, has now the honor to address his excellency the Marquis of Aracaty, counseller, minister, and Secretary of State, on the important subjects of the claims of American citizens which he was directed to make his first concern on his arrival. A desire to become fully acquainted with the numerous documents accompanying his instructions required a few days' delay; and which has been further increased by the consideration that, under the inevitable anxieties and occupations at this interesting moment of the departure of her most Faithful Majesty for Europe, his excellency's attention would be fully occupied. He now, in the performance of his duty, proceeds to open the business above referred to, on which much light will be thrown by a brief reference to his instructions.

The Secretary of State observes, that the commercial relations between the United States and Brazil are of great importance and mutually advantageous, are constantly increasing and are susceptible of much extension, and it is therefore obviously the interest of both parties that a good understanding between them should be cultivated and maintained. He then adverts to the injuries which some of our citizens have received during the present war, aggravated by the extreme violence and ill-treatment practised towards them by some subaltern officers. The extraordinary circumstances connected with the seizure of the brig Spark produced a crisis in this unpleasant state of affairs; which, however, it was anticipated would terminate fortunately, after the correspondence with Mr. Rebello, which resulted in the appointment of the undersigned.

The Secretary, in his instructions, quotes the essential parts of the correspondence between himself and Mr. Rebello; and as the latter gave the assurances of the amicable disposition of his Majesty the Emperor of Brazil and of a prompt redress of the injuries complained of, after the receipt of particular instructions, carried to him by a special messenger, the most perfect confidence was entertained that the solemn pledge would be redeemed without delay on the arrival of a new agent from the American Government. The Secretary of State concludes his extracts from the correspondence with the chargé d'affaires of Brazil with the following remarks: "From the preceding review of the correspondence between Mr. Rebello and myself, you will perceive that the appointment of a successor to Mr. Raguet is asked for the purpose of enabling the Government of the Brazils to make at Rio de Janerio arrangements for indemnity due to the citizens of the United States for the wrongs they had *suffered;* and the President consents to the appointment of a successor to Mr. Raguet upon the express condition, that upon his arrival at Rio de Janerio, 'a full and adequate indemnity will be promptly made for any injuries that have been committed upon the persons or property of citizens of the United States, in violation of the public law, under color of authority derived from his Imperial Majesty the Emperor of Brazil.' The engagement on the part of the Brazilian Government, which that correspondence imports, to afford indemnity, is full, clear, and explicit. It could not rest upon a more solid basis of honor and good faith if it had been thrown into the shape of a solemn convention. The President therefore cannot, and does not doubt that you will be able to procure a prompt compliance with it." From these expressions your excellency will perceive the confidence of the American Government that all difficulties will be completely removed, and the undersigned fully participates in this confidence, not only on the premises above stated, but from his strong impression of the justice and magnanimity of his Imperial Majesty, and the assurances which he has had the satisfaction to receive personally from your excellency, stamped with the well-known sincerity of your frank and honorable character.

The Secretary of State suggests that, for adjusting the pending claims, the simplest mode and one least exposed to error, is that of settling each claim with the respective agents of it, with the intervention and assistance of the undersigned, which he need hardly assure your excellency will be attentively given, with the utmost disposition to facilitate the adjustment in the speediest and most equitable manner.

Among the cases enumerated more particularly, from the peculiar circumstances attending them, and which it is the duty of the undersigned to ask the attention of your excellency, in the first instance, are those of the Spark, the Spermo, and the Ruth.

They are too well known to render it necessary for the undersigned to now trouble your excellency with minute details. It may be sufficient to say that, in the case of the Spark, the owners claim for the value of the vessel $30,000, and $5,000 for damages they have sustained. On this case the Secretary remarks: "From the means of judging of this demand which we possess, the amount does not appear unreasonable." So far as the undersigned has examined the cases of claims, this appears the most considerable in amount.

The case of the Spermo was for an alleged violation of the blockade of Pernambuco, at the period of the unfortunate disturbances in that province, though nothing is more evident than that the vessel was innocent of such violation, and was so pronounced by the court, in the first instance, best able to judge of the circumstances from being on the spot. From the failure of the merchants who gave the bonds sought to be cancelled, this case is little more than a matter of form. The case of the Ruth was greatly and most uselessly aggravated by the harsh treatment experienced by the master, supercargo, and crew, from the officer who captured her. The amount of damages received in this case, the agent of the claim has informed the undersigned, is now in a train of settlement, which may be immediately concluded by the intervention of the Government.

The undersigned having thus submitted to your excellency's more immediate consideration the three cases enumerated, on account of the particular circumstances connected with them, cannot fail to remark, in relation to their pecuniary importance, how insignificant it is, compared with the immense mutual interests that should bind the two nations in perpetual friendship. At the same time, as these claims affect directly some of the dearest rights of American citizens, security of person and property, the Government of the United States neither is nor can be for a moment indifferent to their settlement. But, not only from the comparative smallness of the amount, but their evident justice, the undersigned cannot harbor a doubt that the magnanimity of the Brazilian Government will, by a prompt redress, relieve grievances which are owing chiefly to the conduct of the subaltern officers, are, perhaps, incidental to a state of war, but which the strongest motives of policy as well as of justice towards a friendly nation would dictate should be removed.

In order to do every thing in his power to facilitate the desirable end of obliterating every cause of uneasiness between the two countries, the undersigned, considering the temporary unfavorable state of exchange, will assume, should it be agreeable to your excellency, the responsibility of an arrangement, by which the amount to satisfy these claims shall be paid in bonds of this Government, receivable with common interest in one year from the date, with the condition expressed; if at that period they are not liquidated, that they shall be taken at the custom-house in satisfaction of duties.

Confiding that the circumstances which have occasioned so much uneasiness in the intercourse between the two Governments will be forever removed, the undersigned anticipates the pleasure, when this desirable object shall have been effected, of proposing to his excellency some measures to extend and confirm the friendly relations existing between the two Governments, conformably to his instructions. When the growing intercourse between the two countries is considered, the present importance even of their respective exportations to each other's ports, and the vast increase that must arise from the vigorous growth of our expanding nations, the undersigned, though he cannot expect to state any thing new to the enlightened mind of your excellency, is fully persuaded that he can make an enumeration of facts, the wide bearing of which will be readily admitted. When that fortunate moment shall be produced by the settlement of the topics previously referred to, the undersigned will have a singular satisfaction in using his most sincere efforts to extend and perpetuate an American sympathy, and contribute to a lasting harmony between the United States and the empire of Brazil.

The undersigned will have it in his power, in a short time, to despatch a messenger to his Government, and he would, therefore, respectfully represent to his excellency the obvious advantage of being able to send such information as will tend to remove entirely the uneasiness which has so long continued; and he, therefore, hopes that the objects of this letter will be taken into consideration as early as possible.

It only remains for the undersigned to avail himself of this opportunity to assure his excellency the Marquis of Aracaty of his very high respect and consideration.

W. TUDOR.

Legation of the United States,
Rio Janeiro, July 5, 1828.

No. 4.

The Marquis of Aracaty to Mr. Tudor.

Havendo requerido pela repartição dos negocios de marinha Roberto Hamilton, maestre da galera Americana Balloon á expediçon do competente passe, para verificar á sua sahida deste porte, e notando se peos

documentos que apresentara na forma do costume, havera misma galera augmentada á sua tripulação con mas deroito pracas achando se presentemente con treinta e tres quando a qui entrara apenas com quinze : apresio me em dirigerme ao Sor. Guilhermo Tudor, encargado de negocios dos Estados Unidos de America, rogando lhe me quiera dar os esclarecimentos precisos sobre o motivo d'aquelle augmento de tripulação a fim de se poder saber com conhecimento de causa, se houve ou nas algun abuso á este requisito, e se obrar depois o que por de justicia. Com esta occasião renuevo ao Sor. Guilhermo Tudor as expresiões do mui obsequio e estima.

Palacio do Rio de Janeiro, em 4 de Juilho de 1828.

MARQUEZ DE ARACATY.

No. 5.

Mr. Tudor to the Marquis of Aracaty.

JULY 5, 1828.

The undersigned has the honor to acknowledge the receipt of his excellency the Marquis of Aracaty's note of yesterday, requesting some explanation relative to the increased number of seamen on board the ship Balloon, Captain Hamilton. The said men are sailors whose time of service has expired on board the frigate Macedonian, and, by the laws of the United States, they are entitled to their discharge, and, having demanded it, Commodore Biddle has paid their passage home, in order to secure their return to their country. Your excellency may rely that there is no sinister intention in this case, and that this vessel is bound directly to the United States; and the undersigned requests your excellency will give orders that no delay may be created at the custom-house in her clearance, as the vessel is ready for sea.

The undersigned renews the assurances, &c.

W. TUDOR.

No. 6.

The Marquis of Aracaty to Mr. Tudor.

O abaixo assignado, do conselho de sua Magestade o Imperador, Ministro e Secretario d'Estado dos Negocios Estrangeiros, accusando ao Sor. Guilhermo Tudor, encargado de negocios dos Estados Unidos de America, a recepção da nota, que lhe passon em data de 5 do corrente mes, tem a honra de participar lhe que se apresara à levarla ao conhecimento de seu agusto amo para sollicitar as suas imperiales ordens, relativemente á esta communicação do Sor. Tudor.

No entretanto oabaixo assignado, como orgão do Governo de S. M. Imperial, congratulase pelo sentido conciliatorio e decoroso em que hé redigida a nota á que responde, é tem muita satisfacção em asseverar ao Sor. Tudor, que coincidem perfeitamente com as intençoēs amigavas do seu Governo,

as que animão o de sua Magestade que nada tanto anhela como ver estreitadas e cada vez mais consolidadas, intimas relações da mais franca e completa harmonia entre o imperio e os Estados da União.

O abaixo assignado prevalere se desta opportunidade parar reiterar ao Sor. Tudor os protestos da sua estima e consideração.

Palacio do Rio de Janeiro, em 9 de Juilho de 1828.

MARQUEZ DE ARACATY.

No. 7.

Mr. Tudor to the Marquis of Aracaty.

LEGATION OF THE U. S. A.,
July 11, 1828.

The undersigned, chargé d'affaires of the United States, has the honor to acknowledge the receipt of his excellency the Marquis of Aracaty's very courteous note of the 9th instant, which justifies his hopes of an early arrangement of the topics to which it is referred.

The undersigned wishes to make known to his excellency that Commodore Biddle will send the United States ship Boston in two or three days to Montevideo, and if his excellency wishes to forward any despatches, they will be carefully transmitted, if sent in season to the undersigned, who avails himself of the occasion to tender the assurances of his high respect and consideration.

W. TUDOR.

No. 8.

Decree of the Emperor.

Having heard my Council of State respecting the revising, by special grace, the sentences awarded in the Supreme Court of Admiralty, according to the resolution of the General Legislative Assembly of the Empire, sanctioned by me on the 10th of September last year, it is my pleasure that the sentences that were passed by the said tribunal, with regard to the processes of the vessels Ruth, Leonidas, Pioneer, Anna, Guilhermina and Maria, Anders, Jenny, Fortuna, Carolina, William and Henry, Utopia, and Dickens, be reformed in the part which decrees indemnity for the unjust capture and detention of the said vessels and cargoes, and that they subsist and be in full force in all other respects, with this proviso : that as far as relates to that part of the cargo of the *Leonidas* which is enemy's property, the same shall be valued and delivered to the captors ; subject, however, to the payment of full freight, and to be restored to its owners, when neutral Powers obtain the same restitution, with regard to the Brazilian nation ; that the sentences awarded by the same tribunal against the vessels *Belle, Gabrielle, Sarah and George, Atlantic, Stag, and Junon,* which declares the vessels and cargoes good prizes, be also revised, and the said vessels and cargoes delivered to their respective owners, with a right to indemnity, which shall be settled in the same manner as that of the first-named vessels; that, finally, the sentences passed by the said tribunal, relating to the vessels *Henry and Isabella, George, Coquito, San Salvador, Courier, Jules, John and Matilda,* subsist, and be executed entirely. The Supreme Court of Admiralty will so understand and execute by the necessary documents.

Palace of Rio de Janeiro, May 21, 1828; with the sign manual of the Emperor.

MARQUIS OF ARACATY.

No. 9.

The Marquis of Aracaty to Mr. Tudor.

O Marquez de Aracaty faz seus complimentos ao Sor. Guilhermo Tudor, encargado de negocios dos Estados Unidos da America, e lhe roga quiera ter a bondade de vir a Secretaria d'Estado dos Negocios Estrangeiros, quinta feira 17 do corrente, pelos 4½ horas da tarde, para tratarem de objecto, que a ambos muito interesa.

O Marquez de Aracaty reitera ao Sor. Tudor as espresiões da sua estima e consideração.

Secretaria d'Estado dos Negocios Estrangeiros, em 15 de Juilho de 1828.

No. 10.

Mr. Tudor to the Marquis of Aracaty.

The undersigned, chargé d'affaires of the United States, has the honor to address his excellency the Marquis of Aracaty, counsellor, minister, and Secretary of State, to reiterate the request which he made verbally in their conference this afternoon, that he may receive to morrow an answer to his letter of the fifth instant, which will distinctly make known the determination of the imperial Government relative to the very urgent topics on which it treated. He repeats the reason which he assigned in conversation for wishing to receive this answer to-morrow, that he has an opportunity of forwarding despatches to his Government by a confidential messenger who sails on Saturday the 19th instant. He certainly would not press so earnestly for a reply was there any new point to be considered; but after these questions, which have been too long pending for the mutual advantage and harmony of the two countries, have been so amply considered, after the mission of the undersigned was expressly founded on the assurances given by Mr. Rebello, in consequence of particular instructions from his Imperial Majesty's Government, transmitted by a special messenger, there can be no obscurity or doubt remaining. In the letter referred to, his excellency will perceive the strong confidence of the American Government that the solemn pledge of an immediate arrangement so fully given by his Imperial Majesty's chargé d'affaires would be frankly and fully redeemed.

The undersigned therefore trusts that the Marquis of Aracaty will enable him to state distinctly the intentions of the Government of Brazil with respect to assuming payment of the claims of American citizens, and if the mode suggested in the letter on that subject will be agreeable.

The undersigned has certainly great pleasure in acknowledging the urbanity with which he has been treated by his excellency the Marquis of Aracaty, and in transmitting the general assurances of friendship on the part of his Majesty's Government towards the United States; but, in the existing state of negotiations between the two countries, it will be obvious to his excellency that a clear and explicit declaration will be indispensable. The undersigned can only add that he has failed entirely in his intentions if he has not made known, in the most unequivocal manner, the just expectations of his Government, coupled with a desire, while seeking for justice towards their citizens, to preserve and extend the most amicable relations with Brazil; and he has been further unfortunate, while making these views known, if he has not manifested his personal disposition to conciliate. He confesses that his disappointment is increased on reflection that his excellency was not more decisive in the conference this afternoon, and the deep solicitude he feels on a subject which involves consequences of such transcendent importance, will he trusts fully [warrant] the repetition of a request which he has so recently urged in conversation.

The undersigned takes pleasure in giving the Marquis of Aracaty the sincere assurances of his high respect and consideration.

W. TUDOR.

LEGATION OF THE U. S. A., *July* 17, 1828.

No. 11.

The Marquis of Aracaly to Mr. Tudor.

O abaixo assignado, do conselho da sua Magestade o Imperador, Ministro e Secretario deEstado dos Negocios Estrangeiros, levando á agusta presencia de sua Magestade Imperial, a nota que em 5 do corrente lhe dirigiera com ese elevado destino, o Sor. Guilhermo Tudor, encargado de negocios dos Estados Unidos da America, e que o mesmo abaixo assignado tevera cuidado de accusar, assem que as suas maōs chegon receber ordem do mesmo senhor, para novamente certificar ao Sor. Guilhermo Tudor, que o Governo Imperial repetũdo e recapitulando agora quanto por sua ordem o encargado de negocios Braziliero asseverára ao Governo dos Estados Unidos com o fim de aplanar as difficultades que se suscetarão, e de estreitar cada vez mais as amigavas relações dos dous paises, persiste nas disposiçoēs que aquelle encargado solemnemente annunciara, com tanta firmeza e boa fé, como reconoce o Exmo. Secretario de Estado nas honrosas espresões copiadas na nota do Sor. Guilhermo Tudor. Não he pois o effecto do qualquier variaçao no modo de pensar do Governo Imperial a demora que possa haverno arranjamento definitivo dos negocios pendentes especificados na mesma nota; é já o abaixo assignado, teve cuidado de prevenir ao Sor. Guilhermo Tudor, contra huma impressão dessa natrera-tera, annunciando lhe a autorisação que recebera de seu agusto amo, para entrar nas explicações que a isso sao tendentes e hontem, repetiendo lhe a

intenção desta transacção assenton com o Sor. Guilhermo Tudor em procurar as instrucções precisas para seu esclarecimento. Lhe verdade que o Governo Imperial manifestando suas disposições por via da correspondencia que seu delegado tevera como Governo dos Estados Unidos se devia suppôr dis de então prompto para entrar no arranjamento que havia de aplanar as duvidas suscitadas; porem não o he menos que para isso devia esperar as proposições, que sobre o modo deo consequir havia defarar o digno delegado do Governo dos Estados Unidos. Agora poes que ellos tem sido feitas o que ha conformidade em quanto ao fundo da questas, do mesmo modo a haver á em quanto á forma logo que o abaixo assignado hajo recebido os esclarecimentos, que hontem declarar passava a solicitar relativementidos dous casos do Spark e do Spermo.

Espera o abaixo assignado que o Sor. Guilhermo Tudor achara nos explicitos terminos que expende em resposta a sua mencionada nota huma perfeita ratificação de quanto se prometten para a segurança e completa confiança dos reclamantes destas duas embarcações, entretanto que a decisão do caso de Ruth já communicado ae Sor. Guilhermo Tudor completa a elucidação requerido a respeito dos tres casos comprehendidos na mesma nota.

Muito felez sera o abaixo assignado seo Sor. Guilhermo Tudor vir nesta e em todas as mais instancias de suas reciprocas communicações aquella franqueza e espirita de justicia que caracterisão o Governo Imperial.

O abaixo assignado renova a Sor. Guilhermo Tudor as espresões de sa obsequio e perfeita estima.

Palacio de Rio Janeiro, em 18 de Juilho de 1828.

MARQUEZ DE ARACATY.

No. 96.

Mr. Tudor to Mr. Clay.

Legation of the U. S. A.,
Rio Janeiro, July 18, 1828.

Sir: The late hour at which I received the last communication from this Government has prevented my writing you so fully as I intended by Mr. Bigelow, a lieutenant in the navy, to whom I intrust these despatches.

The French are now occupied in settling the same points, and will not admit the legality of a single capture that has been made. They began their recent negotiation on this subject at the same time I did, backed with the imposing appearance of a considerable squadron, and an admiral sent out expressly for that purpose; and, not least, diplomatic dinners, where the service of plate would have required four or five years of my salary to purchase it. Their claims amount to upwards of $600,000, and the great obstacle to the recovery of both is the extremely embarrassed state of this Government, owing to the expenses of the war and a depreciated currency getting daily worse.

Returning last evening from my conference with the minister, I met several persons who assured me that the French claims had been settled by the decided manner in which the admiral had interfered, with ultimate orders of a menacing character, if these claims were not paid. Details

were given of the whole negotiation, the amount, the mode of payment, &c. Allowing for some exaggeration, I thought it not improbable that the French had effected an adjustment; and the result of my interview appeared less and less satisfactory to me on reflection. In consequence, I wrote the letter No. 10 in the documents, passed a sleepless night, and sent it before daylight this morning. The answer, I think, shows that they are anxious to lessen uneasiness; and were it not for the state of their finances, I think the matter would be quickly settled. I conceive it is politic to use all the indulgence possible, without abandoning any rights, in order to secure a more favorable footing for our commerce, which is of great and growing importance with this country.

Wishing to get at the state of the French negotiation, if possible, I proposed to Commodore B., being myself occupied in writing, that he should make a visit to the English and Austrian ministers at Botafoga, and I would call on Admiral Roussin. The result of our inquiries was, that the reports on shore were most absurd misrepresentations; and I dwell on the subject thus particularly, because I have no doubt letters and reports will be carried home by this vessel, which will give a very false view of affairs. I found the admiral very frank and communicative: both he and the minister wish me to make a kind of common cause. He said they had, after much discussion, settled the general principle, that all the vessels captured should be paid for; but, in what manner, is the difficulty, and this is yet to be got over. I am at a loss to know how, for this Government has not the means of refunding the amount while the war lasts.

By the next opportunity, I hope I shall have something more satisfactory to communicate.

I have the honor to be,
With great respect,
Your obedient servant,
W. TUDOR.

Hon. HENRY CLAY,
Secretary of State.

No. 98.

Mr. Tudor to Mr. Clay.

LEGATION OF THE U. S. A.

SIR: I had the honor to receive this afternoon, the duplicate copy of your despatches Nos. 6 and 7, enclosing me a commission with full powers to form a treaty of friendship, commerce, and navigation with the Empire of Brazil, with detailed instructions for this purpose. I feel very sensibly this new mark of confidence with which the President has honored me; and it will afford me the highest gratification if I can conclude a negotiation in a manner satisfactory to him, and thereby remove the disadvantages that our commerce now labors under: in which event, it would receive a great and constant increase with this growing country. Hitherto I have been earnestly engaged in trying to settle existing disputes, and procure a reparation for the injuries done to our citizens, which seems to me an indispensable preparation to lay a solid foundation for future amity and extended intercourse. I have not yet met with the success I had hoped for: various circumstances combine to make it a much more arduous enterprise than the points at issue would seem to indicate. I do not, however, despair of accomplishing the object. I have, in previous letters, stated the progress of the business; and I shall use every effort to effect the settlement of all the affairs committed to me as early as possible. There is every disposition here to form a treaty with us, and I should be able to enter at once into the negotiation, if the impediments above alluded to were removed. I hope I shall be able, in a few days, to communicate something decisive; and in the mean time

I have the honor to be,
With great respect,
Your obedient servant,
W. TUDOR.

Hon. HENRY CLAY,
Secretary of State.

No. 99.

Mr. Tudor to Mr. Clay.

LEGATION OF THE U. S. A.
Rio Janeiro, August 5, 1828.

SIR: I have already acknowledged the receipt of your despatches No. 6 and 7, under the same date. I need not here repeat my grateful feeling for this new and unsolicited mark of the President's confidence.

In this packet I forward duplicates of my letters and the documents sent by Lieutenant Bigelow. The correspondence and an account of the conferences I have had with this Government since, I must defer to another opportunity.

It will no doubt excite your surprise to hear that I have not yet effected the settlement of a single point of the claims. After all the efforts I could make, and when two or three times I have thought the task was concluded, I have still been unable to procure payment for the Spark, and the surrender of the bonds of the Spermo. It is really a point of honor to procure the adjustment of these two affairs; and I shall perhaps be more patient after this is effected, with the remaining part of the business, provided by so doing I can assure a gradual settlement, and bring forward the very important subject of a commercial treaty.

The two chief obstacles to the settlement of our claims are the embarrassed state of the finances and the simultaneous pressure of the English and French ministers, whose claims are so much heavier than ours; and as we watch each other's progress, the moment either gains a point, the others press with increased zeal. Mr. Gordon, brother of Lord Aberdeen, sailed to-day in the Blossom sloop of war for England, from whence he goes to Madrid. I believe he has not been able to settle any thing. He told me that they wished him to enter into a convention, which he declined, because he did not wish to bind himself with respect to particular questions relating to blockades. The English negotiator is trammelled by the conduct his country has heretofore pursued on that subject; and by the complicated relations that England maintains with Portugal, with whose affairs those of Brazil are for the present so closely blended.

The French squadron, consisting of ten sail of different sizes, arrived here the day I opened the business of our claims. Their formidable appearance produced a considerable effect at the moment, as these people are very apt to feel a sudden panic. The French immediately began to push their negociation with their usual impetuosity, and expected to carry every thing by storm; and it was for a time supposed by themselves and others that they had succeeded. They have had a vessel waiting for fifteen days that was to be despatched to France with the expected convention, by which every capture, right or wrong, was to be paid for by instalments in six, twelve, and eighteen months. The French minister and admiral are very anxious to procure for the new French ministry the credit of settling these claims and protecting their commerce, which the previous administration were accused of regarding with indifference. The minister of Foreign Affairs told me the other day, when I alluded to the speedy conclusion of the French negotiation, that it was not concluded; and two days since the admiral expressed his dissatisfaction very frankly at the state of affairs, and from what he said I inferred that he had been sent out with an imposing force, but was not allowed to make use of it. If this be the case, and it is ascertained by this Government, I doubt very much whether they will be able to effect a settlement.

I shall, by the Macedonian, write to you more fully on all these topics, and on the state of things here, so far as I am able to form an opinion of them; but a letter of this description must be reserved for a safe opportunity. I hope the commission I have received to form a treaty will enable me to urge them into an arrangement of the claims. Our commerce will be greatly increased by being placed on an equal footing with those of other nations. The difference of duty is sufficient at present to exclude our cotton goods; hereafter they will form a very considerable object.

The packet from Buenos Ayres is now off the port; commissioners to treat for peace are supposed to be on board; but as she could not get in this evening, I cannot ascertain the fact in time for this letter, as the vessel sails at day-light. Lord Ponsonby is daily expected from Buenos Ayres to take the place of Mr. Gordon. Mr. Dedels arrived here a few days since as minister from the Netherlands; he comes to procure some alterations in the treaty that had previously been negotiated. The foreign force in the harbor remains the same. The Don Pedro, a Brazilian 74, sails with 500 German troops for St. Catharine's this week. If the commissioners from Buenos Ayres have come, it is generally thought that peace will be made, though there are some who doubt it.

I have the honor to be, with high respect,
Your most obedient servant,
W. TUDOR.

Hon. Henry Clay,
Secretary of State.

No. 100.

Mr. Tudor to Mr. Clay.

LEGATION OF THE UNITED STATES OF AMERICA,
Rio Janeiro, August 6, 1828.

SIR: Since my letter of yesterday, nothing of moment has occurred, except the arrival of Messrs. Balcarce and Guido as commissioners from Buenos Ayres to treat of peace. They arrived in the British packet this morning, and landed under a salute from the Ganges, Admiral Otway. The news by the packet is rather favorable to their missions. It appears that a general disposition to desert has prevailed among the German troops in the imperial service for a long time; but recently, a colonel with a corps of 500 men are said to have passed over at once. The Germans are all deeply dissatisfied. In the recent disturbances here, the Irish and Germans took an equal part; the former were all shipped home without trial, but seventeen of the latter have recently been condemned to be shot.

The general opinion seems to be that peace will be made. Mr. Forbes writes to me that some application to me to intervene may be made; every thing I can do consistently with my duty would, I am sure, meet the approbation of the President, and would be most cheerfully performed.

I have the honor to be,
With great respect,
Your most obedient servant,
W. TUDOR.

HON HENRY CLAY,
Secretary of State.

No. 101.

Mr. Tudor to Mr. Clay.

LEGATION OF THE UNITED STATES OF AMERICA,
Rio Janeiro, August 7, 1828.

SIR: The vessel by which I wrote my last letter not having succeeded in getting out of the harbor to-day, I have the satisfaction of being able to acknowledge, this evening, the receipt of the duplicates of your despatches Nos. 6 and 7, and originals of Nos. 5 and 8, with their enclosures; also, the second copy of the Diplomatic Code, and six packages of documents. The late hour at which they have reached me, and a slight indisposition, prevents my writing at length on the topics they embrace. With respect to the bonds exacted at Montevideo, you will have heard that the practice was abandoned.

The detention of this vessel enables me to state that the case of the Spark was finally settled to-day by Mr. Birkhead, the agent of the owner, receiving from the Minister of Marine the bonds of this Government, payable in six, twelve, and eighteen months, for the sum of 61,250,000 reis, being the amount of the original demand, $35,000, at the present rate of exchange, 1,750 reis to the dollar, the par being 800. If peace is made, the exchange will immediately rise, and the owners may hope to realize between 50 and 60,000 dollars. You will see, hereafter, by the copies of the correspondence, and a relation of what has passed on this subject, the difficulty of making this settlement, in which I have derived very efficient aid from Mr. Birkhead. I am encouraged to hope that I shall now make a progress in settling all the claims. The moment that is secure, I shall bring forward the subject of a treaty, which I have no doubt this Government is desirous of making. Nothing has transpired to-day regarding the negotiation for peace. It is reported, on pretty good authority, that the English minister has informed this Government that if peace is not made, Admiral Otway has orders to grant convoy to their vessels bound to Buenos Ayres, until they are able to establish an effectual blockade.

The English frigate Briton came in this evening from a cruise near the equator, after a pirate, who, there is strong reason to believe, has destroyed one English and two Portuguese ships, if not more, and murdered all their crews except one man of the latter. The pirate is said to have connexion with one of the ports of the Cape de Verds. It is to be feared, if cruisers are not kept by different nations in that vicinity, that others will follow in the same track, and all the trade to India and with the Pacific be exposed to plunder: and the ground is more inviting, as most of these vessels have large amounts of specie on board.

I enclose a copy of the treaty with Austria, as ratified here

I have the honor to be, with high respect, your most obedient servant,

W. TUDOR.

Hon. HENRY CLAY,
Secretary of State.

No. 102.

Mr. Tudor to Mr. Clay.

LEGATION OF THE UNITED STATES OF AMERICA.

SIR: In one of my letters to the Minister of Foreign Affairs, I remarked to him that there were some claims on which I had doubts, and should suspend their prosecution until I could make inquiries; and that I felt confident that the Government of the United States would never make a demand which it would refuse to grant if made upon itself. The French, I think, have not adhered to this rule, which seems to me to be a sound one in public as well as private transactions: they have insisted, in a vehement manner, on the payment of all their claims, on the ground that the blockade was not efficient. I doubt, if the case had been reversed, whether they would have yielded what they have demanded.

That the blockade of the ports of the Plate has been most miserably managed, after costing an enormous expense, there can be no doubt; still there are portions of it which it seems to me none but a strong Power, disregarding right, would press on a weak one by denying.

It may be, some day, the misfortune of the United States to maintain a blockade, and interrupt neutral commerce; but I am persuaded that while we have strenuously resisted the extravagant pretensions that have sometimes been held out, we should be willing to acknowledge the fact and the right where they really existed.

The Brazilians have maintained a squadron at Montevideo, where the Admiral, Pinto Guedes, a lawyer, and not a seaman, was stationed; and they had an inner squadron communicating with the former, that was commonly in sight of Buenos Ayres. Small fast-sailing vessels, aided by the local knowledge of their commanders, by fogs, the night, &c., have succeeded in getting in, but the largest number have been intercepted in making the attempt. When they have not had their papers endorsed, or warned off previously, and have not attempted to run by the inner squadron, when fired at, they have been in most instances cleared, as in the case of the Nile and others, and, if condemned, will furnish a just claim on this Government.

Among the cases which I do not intend to urge, without further instructions from you, are the following, viz: The schooner United States, of Baltimore, with a cargo of gunpowder, muskets, flints, cartouch-boxes, and shot, with some other articles, the whole amount being upwards of $9,000; of which, the above warlike stores amount to $7,371, per invoice.

This vessel was captured opposite to Buenos Ayres going into Colonia, it being impossible to get by the blockading vessels. On trial they declared they were bond to Montevideo to sell their stores to the Brazilians, but on their passage spoke with a vessel under Brazil colors, and were told that the blockade of Buenos Ayres had been raised, and that the Buenos Ayreans were blockading Montevideo, and through fear of these latter, they went up the river, contrary to their original purpose. All these statements are regularly sworn to. The vessel and cargo were condemned.

The brig Caspian, of Boston, was at Montevideo, had her papers regularly endorsed, cleared for Valparaiso, went immediately up the river, and was captured off the city by the inner squadron. A part of the claim under this is by a passenger who had between four and five thousand dollars in notes of the Bank of Buenos Ayres, which, it would appear, he was taking from Montevideo to Valparaiso. The vessel and cargo condemned.

The brig Matilda, of New York, was captured close to the city of Buenos Ayres, after a long passage, in which she had suffered much distress, and had spoken nothing. The reason alleged for the condemnation was, that the vessel attempted to pass the blockading squadron after being fired at, not heaving to, &c. The claimant states that such was the situation of the vessel, it was impossible to do otherwise than they did. I enclose a copy of the demand made in this case, which, at any rate, is extravagant. Mr. Black, who signs it as *owner*, was, I understand, a clerk in New York; and there are suspicious circumstances in the case that perhaps might be cleared up if some inquiries were discreetly made in New York. His bill of charges of ten thousand milrees will not bear examination any more, I suspect, than the statement of the value of the vessel and cargo. His *services* (which form two-thirds of it) consisted in part in forcing the blockade in another vessel while this was undecided, and which circumstance very probably was known, and may have influenced the decision. He also charges the wages of the seamen, which, however, he did not pay, but says, on his return, they will call upon him. This vessel was finally condemned last June, by an imperial decree which ordered the restoration of several others. I shall see if this claim will be allowed, though I doubt it; but I should wish to have your instructions in case of its being refused. As to the claims of the United States and the Caspian, I shall not present them without receiving your orders to do so.

There is another case, that of the Brutus, burnt in the river: this vessel preferred running ashore to falling into the hands of the blockading squadron; in that situation the vessel was burnt by them. I am told there is not the least doubt that this vessel and cargo belonged to a house in Buenos Ayres, but it is impossible to prove the fact; and it appears, perhaps, like some others under our flag. I shall see, when the agents bring it forward, what will be said by this Government.

While using every endeavor to procure an early settlement of the pending claims in the above-mentioned cases, I should be glad to receive your particular instructions.

I have the honor to be, with high respect,
Your obedient servant,
W. TUDOR.

Hon. HENRY CLAY, *Secretary of State.*

No. 103.

Mr. Tudor to Mr. Clay.

LEGATION OF THE U. S. A.,
Rio Janeiro, August 25, 1828.

SIR: I have now the satisfaction to inform you that the questions of claims against this Government are in a course of adjustment for final settlement, and I have reason to believe that all those in which the demand is just will soon be concluded. The ten cases mentioned in the despatches sent by Mr. Wyer are disposed of as follows: The Spark settled and paid for; the bonds for the Spermo cancelled; the Leonidas settled and paid for; the Pioneer, Ruth, and Sarah George ordered to be restored, with damages, by a decree in June last, will be shortly liquidated by the commissioners appointed for that purpose; the Nile was liberated after a few days detention; the Panther I mentioned in a conference with the minister; this was a case of seizure by the custom-house in 1823; the claim is small, the outrage committed wholly unjustifiable, and will be settled. The Tarquin, of New Bedford, presents a claim for services rendered a Portuguese public ship; this took place before the independence of Brazil, and this Government say, is not obligatory upon them; the owner must, therefore, resort to Portugal. The Joseph and the Ontario will be brought forward before the commissioners. The memorial of the New York steamboat association I will endeavor hereafter to assist, but at the present moment it cannot be brought forward advantageously. Among the cases which have since come to my notice, that of the Hero, I have directed to be brought forward as one of the first, in conformity with your instructions, as well as that of the Ruth, on account of the personal injuries with which they were attended.

The copies of my correspondence with this Government will show the course of this negotiation. I believe the motive for the delay which has occurred has been chiefly owing to the very unfavorable rate of exchange at which payments for the claims must be made, and that as a peace was shortly expected, when the exchange would immediately rise, they were desirous of deferring a settlement till that event. I hope, however, all the questions relative to these claims will ere long be finally settled.

Nothing is yet officially known respecting a peace, but it is generally believed that the principal points are agreed upon, and that a treaty is on the eve of being signed.

I have the honor to be, with high respect,
Your obedient servant,
W. TUDOR.

Hon. Henry Clay, *Secretary of State.*

No. 104.

Mr. Tudor to Mr. Clay.

Legation of the U. S. A.
Rio Janeiro, August 25, 1828.

Sir: I enclose with this letter the correspondence I have had with this Government since the 21st of July. I had the intention of giving you a complete narrative of all that has passed, but it would only serve to exhaust your patience with the most fastidious details; and if you cast your eye over the principal letters in the accompanying documents, you will see the results, which will be all you will be anxious to learn, and thus escape, in part, the insignificant details of a negotiation which it is tiresome even to remember. I some time since made up my mind to make use of the sailing of the Macedonian to bring affairs to a decision, and you will perceive the effect. Commodore Biddle's resolution to return without waiting for the Hudson, for reasons which involve the safety of the ship and all on board, I left it to be inferred was owing to the state of the negotiation; so that her weighing anchor only has been as useful as her efficient broadsides.

The real difficulty, in my opinion, that has made them palter and delay in this business, has been owing to the very unfavorable rate of exchange at which they must liquidate these claims if settled before a peace was made, when, with a diminished expenditure, and the great and growing resources of this country, the exchange ought and probably will very soon rise to par. Thus the payment they have made for the Spark may eventually give the owner double the amount he claimed. It is not wonderful that they should wish to avoid such disadvantageous payments as this. I am persuaded the minister was sincere when he admitted that this business of the exchange was the great difficulty. It is this which still keeps the French negotiation unsettled, notwithstanding the vehemence with which it was urged, and the imposing force by which it was apparently sustained. A vessel has been waiting for a month to carry the settlement to France, and the French minister, the Marquis de Gabriac embarks in a few days with his family to return home. They have agreed to pay for the claims by bills on England at 6, 12, and 18 months, but the rate at which they shall be drawn is not yet agreed upon, and the business therefore remains unfinished. There have been moments of vexation, when I felt quite disposed to follow the natural inclination which infects all men more or less, to resort to the compendious process of force when they can command it. But I knew the magnanimous moderation which governs our policy, and I have honestly strove to bring these affairs to an amicable conclusion. Had I been differently disposed, I think it would have been easy so to have managed as to prevent this Government from the wise course of settling them timely, and to have left the United States no alternative but to use compulsion. A squadron of two ships of the line, four large frigates, and four sloops of war being sent out, dropping a frigate and sloop of war at Pernambuco and Bahia in their way, and appearing with the remainder off this harbor, sending in a demand for immediate satisfaction of all claims, or that a blockade of these principal ports should be at once established would have created a panic, and an absolute necessity of the most unconditional arrangement. There would have been an eclat in such a measure that would have produced an effect on the world at large, but on all South America the lesson would have lasted for the present generation. Such a course, however, would perhaps have put this Government in the most imminent jeopardy, and if any hesitation on its part had occurred, would have almost inevitably reduced the imperial throne to its original elements—four pieces of board and a piece of velvet; and such a consequence we might have thought was not a particular concern of ours; but any political convulsion here would most probably have produced a servile insurrection, the fear of which is, I am told, very prevalent in the northern provinces especially; and the possibility of bringing such a tremendous disaster as this upon a country would, I am sure, make the Government of the United States abstain from any measure of mere policy, and which did not involve the honor or safety of our country in the most unequivocal manner.

From such reflections as these, I have suppressed all irritated feelings and sacrificed the ambition of bringing about a settlement in a more brilliant manner; satisfied if I can obtain justice for my countrymen where it is clearly due, and endeavor to prepare the way for amicably establishing those commercial relations with this extensive empire which are daily becoming more important, but which the clamors of a few adventurers engaged in hazardous or clandestine undertakings would wish to stifle. I have endeavored to use such a mixture of persuasion and cautious menace, rather implied than expressed, as I thought best calculated to act on a Government which is so recently organized, but which very leading interests dictate we should gradually guide into habits of permanent friendship; a result which I think is most likely to be brought about by a due mixture of firmness and forbearance on our part; and which, when once understood by them, for their Government is yet too recent even to see all the bearings of their own situation, will, I think, form an essential part of their policy, for the mutual advantage of both countries.

Besides, if I were to fail in this conciliating course, it is less mortifying either to my country or myself than want of success, after resorting to passionate and intemperate efforts; different negotiators have tried this without any good effect. I feel very anxious as to the opinion the President may entertain of the course I have pursued; but even if I am so fortunate as to meet with his approbation, there is a class in the community who would denounce me as a very tame and inefficient negotiator, if not worse.

You will perceive by the documents that the overtures towards the negotiation of a treaty are made, and the disposition *seems* to be strongly disposed to form one, and I hope on a liberal scale. You will perceive by a hint in one of my letters, a wish to awaken this country to a gradual resistance and effectual co-operation with us in subverting the narrow and vexatious colonial system which some European Powers still adhere to, but which the interest of this continent require should be abandoned. When I come to develop that subject as incidental to the establishment of a liberal basis, I shall be enabled to bring forward some reasoning that I think may make an impression, and show some views of their policy in relation to commercial intercourse with all nations, that they perhaps as yet have never fully considered. I shall use every effort to conclude this negotiation in time to reach you before the rising of Congress, and if I am fortunate enough to do it in a manner satisfactory to the President, it is my present intention to ask his leave to resign my situation, to return home early next summer.

It was my purpose to have written you at some length on the state of Brazilian affairs, but my own knowlege of them is too imperfect as yet to occupy your attention with crude opinions derived from others, without sufficient opportunity to sift and weigh them. A knowledge of the real state of opinion, and of the future prospects of this vast country, is of too much interest to be neglected, and I shall try hereafter to gain such authentic materials as will enable me to give you a relation that may be worthy of reliance. The quantity of writing also, that falls upon me at this time particularly, and from being without the aid of a secretary, absolutely precludes my writing at greater length at present.

The French minister, I have already said, embarks in a few days with his family for France. Lord Ponsonby arrived here a week since, to replace Mr. Gordon.

The Argentine plenipotentiaries are my neighbors. I have no doubt the preliminaries of peace are adjusted. The Briton frigate has been detained by Admiral Otway more than a week, at the request of this Government, to take on board a messenger for England; and the packet for Buenos Ayres waits to take despatches thither, with one of the secretaries of the commissioners. The Brazilian seventy-four, Don Pedro, with two frigates and a convoy of one hundred vessels, sailed a few days since for the southward. The ship of war carries a battalion of German troops to St. Catharine's, to erect some fortifications, as it is said this Government has had some suspicions that some foreign Power would like to get possession of that island. This report I heard in a very loose, obscure manner, and it occurs to me only at the moment that England possibly may have offered to receive it in lieu of all demands. The French force of eleven pendents remains as before. The English have besides the Ganges two frigates and two sloops of war.

I have the honor to be, with high respect,
Your obedient servant,
W. TUDOR.

Hon. Henry Clay,
Secretary of State.

P. S. I enclose the copy of a letter from Mr. Birkhead, giving an account of an interview with the Minister of Marine, for arranging the payment of the Spark; it illustrates some of the details of these negotiations.

List of documents annexed.

No. 1. Letter to the Marquis of Aracaty, relating particularly to the cases of the Spermo and the Spark, with a memorandum of particulars relative to the letter enclosed.

No. 2. Letter from the Marquis of Aracaty, to say that the Minister of Marine was directed to finally settle the case of the Spark with the owner's agent.

No. 3. Acknowledgment of the preceding, and that the agent was empowered to settle.

No. 4. Letter to the Marquis of Aracaty, acknowledging his two notes relative to a conference, and repeating, in an urgent manner, the necessity of settling the affair of the Spark; in which case some new difficulties, to his great surprise, had been started.

No. 5. Note from the Marquis of Aracaty, relative to a deserter from the imperial service, supposed to be on board the Macedonian.

No. 6. Answer to the preceding, informing him that inquiry had been made, and no such person had been received on board.

No. 7. Letter from the Marquis of Aracaty, proposing an arbitration in the case of the Spark.

No. 8. Answer, declining any arbitration, restating some of the circumstances of that vessel, and urging again the cancelling the bonds of the Spermo, and the immediate appointment of a person to examine, for final settlement, the other claims.

No. 9. Letter from the Marquis of Aracaty, saying that the Minister of Marine was directed to finally settle the case of the Spark, and that he would cause inquiries to be made at Pernambuco respecting the Spermo.

No. 10. Letter to the Marquis of Aracaty further explaining the case of the Spermo, and insisting on the question being decided here, and without delay; communicating the receipt of despatches from my Government, and, in consequence of one of them, making a strong remonstrance relative to the case of the schooner Hero, and expressing the expectation of the President that immediate reparation would be made; informing him that I had received full powers to form a treaty, making a few general remarks on the subject, and that I should be ready to exhibit my credentials and enter on the business with any one authorized by the Emperor as soon as the previous claims were arranged; and respecting the demand for the surrender of the bonds of the Spermo, and the appointment of a commissioner to settle the other claims with their respective agents.

No. 11. Letter to the Marquis of Aracaty, requesting that certain American seamen in confinement might be delivered on board the Macedonian.

No. 12. Letter from the Marquis of Aracaty, acknowledging the receipt of the two previous letters, and saying nothing decisive on any of the topics they contained.

No. 13. Letter to the Marquis of Aracaty, complaining of the delays that had taken place, recapitulating the main points for settlement, and declaring that if these were not placed in a satisfactory train previous to the departure of the Macedonian, the writer would cease from all further correspondence with this Government, and wait for the orders of the President.

No. 14. Letter from the Marquis of Aracaty in reply, admitting substantially all demands made in the preceding letter.

No. 1.

Mr. Tudor to the Minister of Forein Affairs.

Legation of the U. S. A.,
Rio Janeiro, July 21, 1828.

The undersigned, chargé d'affaires of the United States of America, has the honor to acknowledge the receipt of his excellency the Marquis of Aracaty's despatch of the 18th instant, and to return thanks for his kindness for sending the same in season to forward a copy to his Government with the despatches by a special messenger. In conformity with the desire expressed by his excellency, he proceeds at the present time to dwell more particularly on the cases of the Spermo and the Spark.

The first of these, that of the Spermo, is extremely clear and simple. That vessel arrived on the 11th of August, 1825, off the harbor of Pernambuco, which had been in a state of revolt, and, in consequence of it, had been declared to be blockaded; but the blockade was removed on the 29th of the preceding June, and the ship was forced into the port by the violence of a storm, her commander being altogether ignorant of an order for the revival of the blockade, and which did not, in fact, take place until after she entered the port and was seized. The vessel was examined and left unmolested by two successive Brazilian commanders; a third, however, seized and libelled her, but she was fully acquitted by the first court and damages awarded against the captors. An appeal was entered and bonds were exacted on releasing the vessel to await the final decision, which decision most unexpectedly reversed the former one and condemned the vessel. This case is manifestly a violation of the law of nations, and the principles of blockade admitted by the Government of Brazil. The parties who gave the bonds it is understood have since failed. The undersigned is directed to obtain the cancelling of these bonds, and now requests your excellency will order them to be cancelled and delivered up to him. The damages sustained cannot now be stated, owing to the return to the United States of the owner's agent; but this part of the subject can be hereafter investigated and settled when the documents are received.

The principal facts relating to the Spark are stated in a condensed form in the enclosed memorandum. It is impossible to imagine a more complete series of testimony than that which exists, as to the character of the vessel and the object and intentions of the owners to dispose of her to the Government of Brazil, after being encouraged to send her to Rio Janeiro for that purpose, by an officer of the Brazilian navy and the Brazilian chargé d'affaires in the United States. The undersigned does not wish to dwell on the peculiar and irritating circumstances attending the seizure of that vessel, and as your excellency admitted your readiness to pay for her, and she has now been actually a year in the service of his Majesty, there are many peculiar motives for an immediate settlement of this case, and which will be too obvious to the delicacy of your excellency's sentiments to require being enlarged upon. With respect to the amount asked, there is the most ample testimony to show that it is not extravagant; and no addition will be made to the price asked on account of interest, though nearly eighteen months have elapsed since it was fixed, and though she has been now, for so long a period, actually in the service of his Imperial Majesty against his enemies.

In regard to the Ruth, the agent for the owners will be ready at any moment to attend upon your excellency, or any one whom you may appoint to investigate and settle the amount of damages to be paid; and other cases will be taken up in succession as speedily as it may be convenient to your excellency. The undersigned regrets that it is not in his power to give at once a list of all the cases and the amounts claimed, but will shortly be able to do so. He is, however, happy to say that neither in number nor value do they reach an amount which will be of any moment to the Government of Brazil; and which is really reduced to insignificance, when compared with the object of doing justice to the citizens of a friendly nation, and contributing to that harmony and extensive intercourse between their respective countries which temporary circumstances have unfortunately interrupted, but which great permanent interests most clearly indicate that it is the true policy of both nations to cultivate.

The undersigned renews to his excellency the Marquis of Aracaty the assurances of his very high respect and consideration.

W. TUDOR.

Enclosed in the preceding letter was the following:

Memorandum relating to the American brig Spark, actually the Quinze de Agosto, in the Imperial navy of Brazil.

The brig Spark was formerly one of the navy of the United States, and was remarkable for being the fastest sailer in the service. She was sold under a regulation adopted for reducing the navy to particular classes to which she did not correspond.

The vessel was purchased by her late owners completely repaired in the most useful and substantial manner and at great expense; and, in consequence of encouragement received from Mr. Rebello and an officer of the Brazilian navy to send her to Brazil for sale, was despatched to Rio Janeiro with that object. She had the most ample testimonials from several distinguished officers of the American navy, as to the character and condition of the vessel, accompanied by certificates of the Brazilian consul. On her arrival in Rio de Janeiro she was generally admitted to be the handsomest vessel in the harbor.

Pursuant to the original design, she was offered to the Brazilian Government at a less price by one-third than a vessel of the same description could have been procured if sent for expressly. The Minister of Marine would not give the price asked, and the captain, disappointed in his expectations, was obliged to proceed further. The vessel was then regularly cleared at the custom-house and sailed for Montevideo.

In the mean time the Brazilian steamboat had proceeded out of the harbor in waiting for the Spark; and captured on leaving the harbor under the allegation that she was a pirate, although she had on board twelve respectable passengers, among them several females; a singular preparation for a piratical cruise. Violence and insult were used towards the officers and crew, some of whom were put in irons, &c. After a most rigid search, breaking up various parts of the vessel and destroying property, not the slightest evidence could be found, as in fact none ever existed, to justify the alleged suspicion. Finding it in vain to procure a settlement, the captain made a protest, abandoned the vessel, and returned to the United States.

After a time this brig was taken into the Brazilian navy, and has now for a year past borne the flag of his Imperial Majesty.

The owner of this vessel is a man of irreproachable character, and his whole property is involved in her.

No. 2.

The Marquis of Aracaty to Mr. Tudor.

July 22, 1828.

In pursuance of what I have communicated to you in my note of the 18th, I hastened myself to receive the necessary instructions of the Minister of Marine about the brig Spark, and though I have already spoken with the agent of that vessel, I think it expedient not to take any steps in the transaction without your knowledge. I therefore request you to have the goodness to cause the said agent to call on the said minister as soon as possible, in order to settle that business.

I avail myself of this opportunity to offer you the assurances of my esteem and regard.

I have the honor to be
Your most humble and obedient servant,
THE MARQUIS OF ARACATY.

W. Tudor, Esq., &c.

No. 3.

Mr. Tudor to the Marquis of Aracaty.

Legation of the U. S. of America,
July 23, 1828.

The undersigned has the honor to acknowledge the receipt of his excellency the Marquis of Aracaty's note of the 22d, and has, in consequence, requested the agent of the Spark to take the course designated in it for the settlement of that claim.

The undersigned wishes to have a conference with his excellency, and will be much obliged if he will appoint a time for that purpose early next week; and begs the Marquis of Aracaty to accept the assurances of his high respect and consideration.

No. 4.

Mr. Tudor to the Marquis of Aracaty.

Legation of the U. S. of America,
July 28, 1828.

The undersigned, chargé d'affaires of the United States, has the honor to acknowledge the reception of the two notes of his excellency the Marquis of Aracaty, postponing to Wednesday the conference which had been requested, and which his excellency had verbally fixed for this day; and the undersigned was on his way to the Foreign office when he received the notes above mentioned. He, however, very cheerfully defers the conference to the time appointed as most convenient to his excellency, when he will not fail to be punctual, as his anxiety for the interview is very unexpectedly increased, in a manner which he owes it to the Marquis of Aracaty and to the negotiation intrusted to him to explain.

In a passage in his instructions, which the undersigned inserted in a former letter at greater length, the Secretary of State quoted from Mr. Rebello's communication the following passage, which that gentleman had made in consequence of special instructions: "A full and adequate indemnity will be promptly made for any injuries which have been committed upon the persons and property of citizens of the United States in violation of the public law, and under color of authority derived from his Imperial Majesty the Emperor of Brazil;" and the concluding remarks of the Secretary are as follow: "The engagement, on the part of the Brazilian Government, which that correspondence imports, to afford indemnity, is full, clear, and explicit; it could not rest upon a more solid basis of honor and good faith if it had been thrown into the shape of a solemn convention. The President, therefore, cannot and does not doubt that you will be able to obtain a prompt compliance with it."

The more the undersigned reflects on these expressions, which are, of course, constantly present in his thoughts, the more uneasiness he feels lest he should be considered remiss in his duty in the prosecution of a negotiation which circumstances have brought to a crisis of great delicacy. The remark that his anxiety has been unexpectedly increased is owing to the result of the interview between the agent of the Spark and his excellency the Minister of Marine, to whom that case was committed. That business, the undersigned had really, perhaps erroneously, understood from your excellency, would be settled without difficulty, for the original amount claimed, and which has not been increased, though the vessel has been a year in the service of his Imperial Majesty. The Minister of Marine offered the agent a sum which is *equivalent to one-half the amount claimed, and little more than one-half the sum offered by the minister of that department upwards of a year ago.*

The undersigned trusts that there must be some mistake on the part of his excellency the Minister of Marine on this subject; but if it should be otherwise, when all the peculiar circumstances relating to this case are considered, and also that the subject of cancelling the bonds relating to the Spermo has remained unnoticed by your excellency, the undersigned must wholly despair of being the fortunate agent to realize the just expectations of his Government.

The undersigned has thought it due to your excellency to trouble you at some length on this topic previous to the appointed conference. He has endeavored to ascertain the amount of the claims on the part of American citizens, and he is persuaded that they will be less than 200,000 dollars, and probably will not exceed $150,000; the greater part of which has been admitted by an imperial decree, and the arrangement for their liquidation only remains to be settled, and this the undersigned repeats he is ready to facilitate to the utmost of his power. His excellency the Marquis of Aracaty will have seen, by the intercourse he has already had with the undersigned, that he makes no pretensions to diplomatic skill, and professes nothing but the most sincere desire to contribute to the harmony and mutual advantage of Brazil and the United States; and his hope of success is founded wholly on the justice of the points he is instructed to sustain, the plain, powerful reasons of state that urge their adjustment, and his conviction that the Government of the United States will never produce a claim that it would refuse to admit if it were made on itself.

The undersigned avails himself of this opportunity to repeat to his excellency the Marquis of Aracaty the sincere assurances of high respect and consideration.

W. TUDOR.

No. 5.

The Marquis of Aracaty to Mr. Tudor.

Acabo de receber uno officio do Ministro e Secretario d'Estado dos negocios du guerra a em que me noticia haver reacolhido á fragata American, Macedonian, o furriel da 1 linha, Deely, que desertara do servicio deste Imperio; e cumpreme rogar ao Sr. W. Tudor, encargado negocios dos Estados Unidos d'America, haja de intereser para que aquelle individuo, quando com effeito esteja abordo de sobredita fragata, seja devidamente entregue á competente auctoridade. Por este motivo, renovo ao Sr. W. Tudor as expresiones de meio obsequio e consideração. Palacio do Rio de Janeiro, em 1 de Agosto de 1828.

MARQUEZ DE ARACATY.

No. 6.

Mr. Tudor to the Marquis of Aracaty.

Legation of the United States,
August 3, 1828.

The undersigned, chargé d'affaires, has the honor to acknowledge the receipt of his excellency the Marquis of Aracaty's note of the 1st instant, respecting a deserter named Deely, supposed to be on board the United States frigate Macedonian. The undersigned, immediately on receiving his excellency's communication, which came to him yesterday, inquired of Commodore Biddle, who, after making an examination, found that no such person had been received on board. The undersigned is further authorized to assure the Marquis of Aracaty that any deserter from the imperial service, who should, through mistake, have been admitted into the ship, would be immediately delivered up; but there is little probability of such an event occurring, as Commodore Biddle, at the same time that he is ready to receive on board all destitute American seamen, has declined, in every instance, the numerous applications of foreigners, to whatever nation belonging.

The undersigned repeats to his excellency the Marquis of Aracaty, the assurances of his high respect and consideration.

W. TUDOR.

No. 7.

The Marquis of Aracaty to Mr. Tudor.

Havendo o Goberno de S. M. o Imperador determinado realizar immediatemente o pagamento do valor do brigue Americano Spark, mas não se tendo ainda assentado no modo de se arranjar esta transacção que convem terminar o mais breve que sea posical paresio ao mesmo Goberno que o meio mas conducente para aquelle fimera nomearemse arbitros cujo encargo ção determinar o modo do dito pagamento. E como julgo que o Sor. Guilhermo Tudor, encargado de negocios dos Estados Unidos d' America não desirara de convir na proposição desta medido apreso me arogar lhe haju da sua parte de nomear quanto antes dous arbitros que se dignara participarem, para que juntandose esses com os outros dous que ha de nomearo ministro marinha se ultime este arranjamento de ambas as partes como he o meio maior desejo.

Com este motivo, renovo de Sor. Guilhermo Tudor as expresões do meio obsequio e estima.

Palacio do Rio de Janeiro, em 4 de Agosto de 1828.

MARQUEZ DE ARACATY.

No. 8.

Mr. Tudor to the Marquis of Aracaty.

Legation of the United States,
August 4, 1828.

The undersigned, chargé d'affaires of the United States, has the honor to acknowedge the receipt of his excellency the Marquis of Aracaty's note of this day, and loses no time to assure him that it is out of his power, without a gross violation of duty, to assent now to an arbitration in the case of the Spark. He requests the Marquis of Aracaty to revolve in his mind the whole series of circumstances connected with that vessel; the very delicate crisis that it was the immediate cause of producing in the relations between their respective countries; the special messenger who was despatched by the Government of Brazil to the United States, and the unqualified assurances that were given in consequence, by the chargé d'affaires of his Majesty, that every just cause of complaint should be immediately removed on the arrival of a new agent; and the President consented to appoint such an agent on the just ground that the records being all in this country, greater facility would be afforded in examining the claims, and that no delay should take place in the settlement. His excellency will further recollect that, in his first letter on this subject, the undersigned quoted the opinion of his Government, that the price asked was not extravagant; that the minister of marine offered $30,000 eighteen months ago, and that, as the agent of the claim agreed to take the payment in bills payable in six, twelve, and eighteen months, and, therefore, near three years' interest would in equity be due on the amount, though no addition has been made to the claim on this account.

The undersigned could not avoid the most unpleasant ancipations regarding the negotiation committed to him, at the unexpected difficulty that has arisen in this case of the Spark, (which neither his Government nor himself could have entertained a doubt would, for obvious reasons, have been terminated in preference to all others, with a magnanimous alacrity,) had he not received a letter from the agent, by which it appears that he had an interview with the Minister of Marine this afternoon, in which, after a renewed discussion, he suggested to his excellency that, as the Government had recently paid into the bank a million of Spanish dollars, all difficulty would be removed with regard to the question of exchange, by a simple payment in those dollars, or else to take the bills, as formerly proposed, at 1,750 reis to the dollar, which is the actual exchange of the day. His excellency the Minister of Marine finally agreed that the affair should be positively settled on Thursday, either by the payment of the Spanish dollars or the bills, as before proposed. The undersigned confides that his excellency will sustain the determination of his honorable colleague. His excellency the Marquis of Aracaty, as an enlightened statesman, will most fully appreciate the position, that slight pecuniary considerations are utterly insignificant in comparison with establishing great permanent relations of amity and commerce between two nations, such as may be the beneficent result of an equitable settlement of the injuries which the citizens of the United States have received in the course of the present war.

The undersigned, trusting that the case of the Spark will be finally settled on Thursday, according to the promise of his excellency the Minister of the Marine Department, will now only trouble your excellency on two other points. In two previous letters, and in conversation, he has stated the case of the bonds relating to the Spermo: his instructions are most pointed and unequivocal to obtain the cancelling of those bonds; and there is the more instant necessity of attending to this case, as a similar one, that of the brig Exchange, of Boston, is just now on the point of being decided, after being, like the Spermo, four years in litigation; and how suspicious must have been the allegations of the captors when, in these cases, the court has hesitated for four years to reverse the sentences of a previous tribunal. The undersigned is compelled to urge his excellency to give him an early answer respecting these bonds. If they are at Pernambuco, his word will be a sufficient guarantee that they shall be considered void and be cancelled as soon as they can be obtained. The undersigned also renews the request, in the most earnest manner, that his excellency will appoint some person to meet with the agents of the remaining claims, to examine them for a final adjustment; and in regard to them, if the parties cannot agree in the amount, it can be settled by the arbitration of impartial persons.

The undersigned trusts that the Marquis of Aracaty will do him the justice to say that he has not been importunate in prosecuting this negotiation. But it is now upwards of six weeks since his arrival at this Court, and not a single point of the business intrusted to him has been settled, though the most prompt arrangement was promised to and expected by the American Government. Advices which he has just received from the United States now induce him to solicit of his excellency, with the greatest respect, but in the most earnest manner, the settlement of the cases of the Spermo and the Spark, which last, it is evident, is altogether peculiar, and cannot be considered or cited as a precedent; and the nomination of some person by his excellency to meet the agents of the other claims for their examination previous to their final adjustment. An opportunity for the United States offers within three or four days, and the undersigned would be wanting in that frankness which is due to his excellency, if he did not state to him distinctly, that, unless he is able to transmit to his Government some decisive information relative to the settlement of these claims, he must, in forwarding copies of the correspondence that has taken place, express his opinion, with very deep regret, that he has no hope that his mission will be attended with any success.

The undersigned has the honor to reiterate to his excellency the Marquis of Aracaty the assurances of his high respect and consideration.

W. TUDOR.

No. 9.

The Marquis of Aracaty to Mr. Tudor.

Palacio do Rio de Janeiro,
Em 6 *de Agosto de* 1828.

Não tendo en conhecimento que resultado da ultima conferencia que o agente do propietario do Spark tivera como Sr. Ministro da Marinha, e que me communicon o Sr. Guilhermo Tudor, en sua nota de 4 do correntes, forpar isso que para abreviar esse negocio en propur que visto não haver ate então convindo aquelle agente nos temios em que se ha da facer aquelle pagamento (em cuja total importancia não havia porem a menor denrida) esse assumpto fosse regulado por arbitros nomeados por huma e outra parte. Vendo porem commuito gosto pela communicação fora definitivamente arranjada não acho mais que haja qualquier necessidade de se adopturhum arbitrio que se tornon desnecessario, e neste sentido e para que no dia aprasado se conclua este negocio tenjo hoje officiado ao dito senhor ministro.

Passando aos outros assumptos contidos na mesma nota, posso assegurar ao Sr. Tudor que com toda urgencia se mandarão vir de Pernambuco in-

formações authenticas e positivas assim sobre a franca prestada pelo navio Americano Spermo, como sobre o estado do Fiador que a prestou para que instruide desse modo o Governo de sua Majestade Imperial, possa dar do negocio para que esses esclarecimentos são precisos, aquelle prompto audamento que muito de zeja e convencer se ha o Sr. Tudor, que dependendo destas informaçoens o arbitrio que se ha de tomar conforme o que constar a respeito d'aquella fianca com toda ajusticia e accuto, se deve esperar que ellas cheguem para se determinar o procedimiento que a esse respeito deve haver. Entretanto com muita satisfação a fianca que o Governo neste e em todos os mas cazos fara quanto deve para conservar e estreitar cada ver mais humas relações que muito preza.

Em quanto ao que he relativo as indemnizações, concedidas pelo decreto de 21 de Maio, como a marcha desse negocio tem de su uniforme para todos os reclamantes em gual, as quaes tambem todos tem igual direito para as haver em dos captores na forma d'aquella imperial decizão tera o Governo particular cuidado em dar toda actividade aos meios pelos quaes aquella justicia se ha defacer aos que a reclamação, e como algunos delles ja requerarão que isso se ultimasse por meio de arbitramento dar se ha a saber ao Sr. Tudor como derejos quaes são as pessoas que para essa transação, tem de sea nomeades pela parte dos captores para com ellas se estenderem os agentes respectivos e tambem á este respeito tenho a satisfação de certificar ao Sr. Tudor que as benignas disposições de Governo de sua Majestade Imperial a favor das ciudadaos dos Estados Unidos, segurão aos diversos reclamantes a mas perfeita e interia justiça.

Estimo este motivo para renovar ao Sr. Tudor, encarregado de negocios dos Estados Unidos d'America, as expressoes de minha perfeita estima e consideração.

MARQUEZ DE ARACATY.

No. 10.

Mr. Tudor to the Marquis of Aracaty.

LEGATION OF THE U. S. A.,
August 9, 1828.

The undersigned, chargé d'affaires of the United States, has the honor to acknowledge the receipt of the despatch of his excellency the Marquis of Aracaty, dated the 6th; but which he did not receive until the 8th instant.

The mature consideration of various despatches he has had the honor to receive from his Government within these four days, and of the important topics to be introduced in the present communication, has prevented an earlier reply.

He most sincerely congratulates the Marquis of Aracaty that the affair of the Spark has been finally arranged, although some surprise will be felt at Washington that any delay should have occurred in that case especially. He availed himself of the first opportunity that offered, and wrote two days since to the Secretary of State, to inform him of its conclusion. It would have given him great additional satisfaction if he could

have communicated at the same time the termination of a question so simple as that of the bonds relating to the Spermo. He fears that his excellency is not fully impressed with the particular state of that question, and must therefore repeat, that the instructions from his Government are most direct and unequivocal to obtain the cancelling of those bonds. If his excellency will give the subject a few moments' reflection, he will perceive that the force and justice of his instructions upon that point, rest upon ground perfectly clear and indisputable; that those bonds were exacted against the principle of the laws of nations, and contrary to those expressly avowed by the Government of Brazil itself on the subject of blockades. He would respectfully suggest to his excellency that although the bonds themselves may remain in Permambuco, all the records relative to the case must necessarily exist in this capital, where the appeal was decided. In regard to the failure of the parties who gave the bonds, it is of course a circumstance of no import in the view of the Government of the United States; and was only mentioned incidentally, as making the relinquishment of those bonds an affair of still less moment to the Government of Brazil. The case of the brig Exchange, in most respects similar to that of the Spermo, has just been finally decided (as the agent informed the undersigned yesterday) in favor of that vessel; and he gave his opinion that the Spermo would have had the same equitable decision, had not the cause been left without any person on the part of the owners to attend to its concerns. Taking into view all these circumstances, and fully persuaded of the sincerity of your excellency's repeated professions of a wish to remove most promptly all existing uneasiness, the undersigned flatters himself that the necessary investigations to satisfy your excellency's mind will be made here; and that for an affair of this description, of very slight importance to the Government of Brazil, and respecting which the Government of the United States, on the plainest foundation of right, has come to a resolution from which it cannot recede, that months of useless irritating delay will be avoided; and that the undersigned may have the satisfaction of informing his Government, by the first opportunity, of this farther step on the part of his Imperial Majesty's Government in fulfilment of the assurances given by its chargé d'affaires, and in removing another obstacle to the harmony which ought to exist between the two Governments.

One of the despatches before mentioned is chiefly occupied with the case of the schooner Hero, which presents a series of outrages, that the Secretary of State remarks, "seems nearly incredible." He directs the undersigned to make inquiries into the statement made by the captain in his protest, and if they should appear to be well founded, to make it separately the subject of a strong remonstrance to the Government of Brazil, and to express the expectation of the President that a prompt redress would be given. The undersigned has performed this duty, and finds the facts to be true. Mr. Clapp, the agent of this vessel, informs him that he has not been able to take any steps in the affair for want of the documents, which he has only recently received, and therefore it has remained hitherto unknown to your excellency. The main points in this case are as follows: The schoener Hero, Captain Simmons, with a cargo of nutria skins, bound to Boston, sprung aleak at sea, which was so serious that he was obliged to make the first port in his power, which was that of Desterre, in the island of St. Catharine's; and the vessel was in so dangerous a state that he was obliged to run her ashore, to keep from sinking. The captain then went to work to repair the damages, which occupied some days, and when he was just ready to sail, a guard of soldiers took possession of the vessel. Finding it impossible to procure redress, he determined to go to Rio Janeiro, to make his case known to the consul of his country. Two days before he was to sail, he was arrested by some soldiers, and carried before the Governor. On inquiring the reason of this treatment, the Governor told him, "I perceive you are a pirate." He and his mate were then thrown into a horrible prison, in which five negroes were confined for murder. After being in this situation some days, they were sent to Rio Janiero, confined in the hold of the vessel; and on their arrival, were taken to the admiralty, where a trial was had, in which they were not allowed the aid of any friend or counsel; and by this tribunal they were condemned *as pirates*, sent on board the prison-ship, *put in irons*, and exposed to all its horrors. As soon as the captain could make his case known to the consul, Mr. Wright visited him, and obtained an order for their release. No charge whatever was pretended to be brought against him, and he was allowed to go back to St. Catharine's to take possession of his vessel and cargo. At the time of his seizure he was robbed by the soldiers of all his clothes, money, and papers, and on his return, found the cargo rotten, the sails and rigging cut or destroyed; and on repairing the vessel, the bills amounted to more than her value. He therefore abandoned the whole, made his protest, and returned home.

As the Secretary of State very justly remarks, the enormity of these proceedings was aggravated by the circumstance that he had sought the port in distress, expecting to enjoy the hospitality of a friendly nation. Such treatment as this in the ports of a civilized country, is indeed an extraordinary event; and it excites astonishment that any officers could thus trample on the rights of humanity and justice. The Government of the United States does not suppose that such conduct would be tolerated for a moment by his Imperial Majesty in any officer in his service; and that it has remained unpunished, only because it was unknown; and when it is brought to the knowledge of the Government, that it will be eager, by a prompt reparation, to show that high-minded sensibility which every generous Government and Sovereign must feel on finding their authority has been so grossly abused by officers in whom they had confided. As the undersigned does not doubt for a moment that the feelings of your excellency will accord with those of his Government in this case, he will waive the point of making it a case apart; giving it however precedence before the commission which your excellency has promised to name, to examine the other claims, while it increases of course the urgency of such a nomination.

It is most highly painful to the undersigned to dwell upon such complaints as these, in which it is difficult to say whether the honor of Brazil or that of the United States is most interested in having promptly and fully satisfied; and he hopes that these will soon be entirely removed, and no future occurrences happen to disturb the harmony and beneficial relations which ought to exist between the two countries.

Anticipating that this desirable moment is very near at hand, the undersigned proceeds to touch on some other topics, respecting which (when the previous difficulties are obviated) his most cordial efforts will be exerted to aid in preparing such an arrangement as will secure the mutual satisfaction and lasting advantage of both nations.

Among the last despatches he has received, is one enclosing a commission with full powers to form a treaty of friendship, commerce, and navigation between the United States and the empire of Brazil.

From some observations made by your excellency in conversation, when this subject was incidentally alluded to, as well as from the general policy which at the present time is pursued by the Government of his Imperial Majesty for extending the commercial relations of the empire, the undersigned presumes that a person duly empowered will be named by his Imperial Majesty to meet the undersigned for the formation of such a treaty; respecting which, he will do no more at present than make a very few general remarks. While discharging the duties involved in the fresh mark of confidence with which the President has honored him, it will be a great source of satisfaction that he will be engaged in supporting those wise and beneficent principles of liberality which have constantly governed the United States in all their diplomatic negotiations, which they have offered to establish with every friendly nation, and which, having been already incorporated in several of their treaties, and adopted in the practice of some other States, really form a new epoch in the history of commerce, and one from which the establishment of the wisest and most liberal views of commercial intercourse will be hereafter dated.

The commerce of the United States with Brazil now pays twenty-four, while that of most other nations pays only thirteen per cent. It would be needless to comment on the very injurious operation of this discrimination, and at the same time superfluous, as it is understood that the Government of his Imperial Majesty is prepared to remove it by the stipulations of a treaty. One or two remarks may, however, be submitted, to show the extreme impolicy of the distinction as at present existing.

The chief articles of American commerce introduced into Brazil are substantial ones, of the first necessity; many of those brought from Europe only contribute to the demands of mere luxury and frivolity. In two of the chief states of Europe, England and France, the coffee and sugar, the two great staples of Brazil, are prohibited from consumption, being only allowed to enter under bonds for exportation; and yet these two nations are favored by a discriminating duty of nine per cent. over the United States, where these and all other products of Brazil are admitted on equality with those of all other countries. Nothing invidious is intended by this comparison towards those nations which are trammelled in their commercial regulations by the narrow principles of their ancient colonial system, to which they pertinaciously, perhaps unwisely adhere, but which militate so powerfully and injuriously against the commerce and interests of this empire, that probably the day is not distant when Brazil will be obliged in self-defence to insist on a modification of the system, in justice to its own subjects. But it is impossible not to remark on the extraordinary circumstances of those two countries enjoying such important favors from Brazil, whose chief products they absolutely exclude from their consumption, while the United States, injured by such an unfriendly discrimination, admits into her extensive territory all the produce of Brazil without restriction.

It may be further observed on this subject that the United States at the present time offer one of the most considerable markets in the world for the produce of Brazil; that this market is annually increasing with the rapid growth of that country; and that the time is not distant when it will far exceed every other, not merely for the importation but for the actual consumption of Brazilian produce. Indeed, the circumstances of the two countries are highly remarkable as regards their capability for the most extensive mutual commerce; both are developing in all the vigor of youthful growth, and both are susceptible of the most prodigious extension. How important then is it to their prosperity that their intercourse should be carefully fostered and placed on the broadest base of reciprocity; since it may be safely affirmed that there are no two countries in the world between which, if a friendly commercial intercourse be solidly established, such beneficent consequences must enevitably follow.

It cannot be supposed that the Government of the United States has been for a single moment insensible to the disadvantages their commerce has labored under, compared with that of some European nations; while these disadvantages have been greatly aggravated by a consideration of the injuries their citizens have received from persons in the service of Brazil during the present war. But the Government of the United States, always governed by the principles of moderation, was willing to consider these irritating circumstances as accidental, and that they would all be relieved by a course of amicable negotiation.

His excellency the Marquis of Aracaty will, however, not be surprised if, in relation to the commercial interests alluded to, Congress should immediately on its assembling the present year, pass a conditional act, imposing a corresponding discriminating duty on the products of Brazil, if the evil is not in the way of being remedied by a treaty.

The Secretary of State, in his instructions, evidently relying with confidence on the assurances given by Mr. Rebello, supposes that the previous objects of negotiation committed to the undersigned relative to the claims of American citizens will have been completely removed; for it would be preposterous indeed to enter upon the negotiation of a treaty of friendship and commerce with such injuries unredressed. So far, therefore, as a treaty for extending and confirming the friendly and commercial relations between the two countries is considered of importance in the councils of Brazil, the urgency for bringing to a conclusion the previous subjects of negotiation is of obvious expediency. On this topic the undersigned will offer one or two further remarks for the consideration of your excellency.

The Congress of the United States assemble on the first of December. Justice to her citizens will almost inevitably require a resort to the measures before alluded to, if the undersigned is not enabled to give his Government the most indubitable assurances that a negotiation is in train for ameliorating the intercourse between the two countries. It is unnecessary to say to a minister of state so experienced and enlightened as your excellency, how disadvantageous to friendly relations even the agitation of such a question must be, and if unfortunately, by a delay in the adjustment of the claims, or a postponement of the conclusion of the treaty, such a regulation should take effect, other nations may offer some proposals to the United States to secure a permanent favor for their products, and the rival ones of Brazil be excluded from the immense demand of the market of the

United States, as it is already from those of France and England. The injurious consequences it would be superfluous to enumerate.

To prevent these and other evils, and establish a solid harmony between the two countries as early as possible, it is necessary that such a treaty should be made and signed in season to reach the United States for ratification before the month of March next, as the session of Congress terminates, by the provisions of the constitution, on the 4th of March. It is, therefore, with a view to this object especially, that the undersigned renews his request to your excellency, that the claims treated of in this and former letters may be put in a train of adjustment without delay. Such a case as the bonds of the Spermo depends on one word from your excellency, and the nomination of a person to meet the agent of the claim, for their examination and final settlement, will at once prepare the way for commencing the work of a treaty. As soon as these obstacles are removed, the undersigned will be ready to exhibit his credentials, and meet with the person who may be authorized by his Imperial Majesty for the purpose, and to proceed, with all possible despatch, in the formation of such a treaty as shall tend to make the friendly relations and commercial intercourse between the United States and Brazil mutually advantageous, and, it may be hoped, perpetual.

The undersigned avails himself of this occasion, as of all others, with pleasure, to tender to his excellency the Marquis of Aracaty, the sincere assurances of his very high respect and esteem.

W. TUDOR.

No 11.

Mr. Tudor to the Marquis of Aracaty.

LEGATION OF THE U. S. A.,
Rio de Janeiro, August 13, 1828.

The undersigned, chargé d'affaires of the United States, has the honor to address his excellency the Marquis of Aracaty, to communicate the substance of two letters he has received from Commodore Biddle, and the consul, Mr. Wright, relative to certain American seamen.

Commodore Biddle writes that it is generally believed there are some American seamen on board the prison-ships in this harbor, who have been captured on board of vessels belonging to Buenos Ayres; that, although these men have forfeited all claim to the protection of their country, by entering into the service of a state at war with a nation with which their own is at peace, yet he cannot help commiserating the misfortunes of these individuals, who, with the heedlessness common to sailors, were enticed to enter a foreign service without considering the consequences.

He thinks that the Government of Brazil will not be disposed to judge them too harshly, and will consider it as some equivalent for their conduct that so many American seamen are serving in the imperial navy; and that, if your excellency can be assured that these men will be carried home, and thus prevented from returning to the service of Buenos Ayres, that the advantage of being relieved from the expense of supporting them, and the doing an act of national kindness, which will be appreciated by the Government of the United States, will induce your excellency to give orders that an inquiry should be made, and if there are any American seamen in confinement, that they shall be sent on board the frigate Macedonian. Commodore Biddle authorizes the undersigned to pledge his word that any men thus delivered to him shall not be allowed to leave his ship until her arrival in the United States.

The letter of the consul is confined to the case of a single sailor, who has now been in prison four months. It appears that this man, in a state of absolute insanity, which lasted many days, arising from inebriety, fired a pistol, loaded with small shot, at a sailor landlord, who he thought had defrauded him, which gave a slight wound. No trial has been had: on application to the police, they refer to the judge, and the judge refers back to the police. Perhaps the man, by his imprisonment, has been sufficiently punished for an offence committed when his mind was in an unsound state. The object of the police would be answered if this person were taken away; and the undersigned hopes, as an act of humanity, that your excellency will also give directions that he should be sent to the frigate Macedonian; in which case he will be received on board, and care will be taken that he does not again land here.

The undersigned wishes to inform your excellency that the Macedonian will sail in a few days for the United States, and any despatches sent by her will be safely forwarded.

With this occasion the undersigned renews to the Marquis of Aracaty the assurances of high respect and esteem.

W. TUDOR.

No. 12.

The Marquis of Aracaty to Mr. Tudor.

A affluencia de negocios que peraõ no momento, actual sobre a repartiçaõ dos Negocios Estrangeiros tem obstado ao abaixo assignado do conselho de sua Magestade o Imperador Ministro e Secretario d'Estado dos Negocios Estrangeiros a accusar até agora a recepção das duas notas, que lhe dirigira em data de 9 e 12 de Agosto corrente o Sor. Guilhermo Tudor encarregado de negocios dos Estados Unidos d'America mas mem por isso tem deixado de procurer receber os devidos esclarecimentos sobre alguns casos apontados nas ditas notas; eno entretanto o abaixo assignado se lisongea que o Sor. Tudor tenda ja visto pela maneira com que se concluio o caso de Spark o quanto o Governo Imperial deseja remover todo o motivo de desgosto entre o dous pases lhe fara a justicia do accreditar que elle não poupara esforços para que se terminem satisfactoriamente os mais negocios sabe que representa o Sor. Tudor.

Quanto ao caso dos marinheiros Americanos que se achão abordo da presi ganga como prisionerios por terem side tomadados ao Governo de Buenos Ayres os quaes o Commodero Biddle deseja que se lhe entreguem dando a sua palavia que os conserava abordo da fragata Macedonia ate os conduzio para os Estados Unidos. O abaixo assignado communica ao Sor.

Tudor que o Governo Imperial temja subido varias representaçoēs a favor de todos aquellos individuos; e brevemente o mesmo Governo tomara sobrelles huma resoluçaō fundada nos principios da equidade que tanto o caracteriea.

O abaixo assignado renova ao Sor. Tudor as expressoens do sea obsequio e estima.

Palacio de Rio de Janeiro em 19 de Agosto de 1828.

MARQUEZ DE ARACATY.

No. 13.

Mr. Tudor to the Marquis of Aracaty.

(Labelled on the envelope, "*Of very urgent importance.*")

Legation of the U. S. A.,
August 20, 1828.

The undersigned, chargé d'affaires of the United States, aknowledges the receipt of the note of his excellency the Marquis of Aracaty, Councillor of his Imperial Majesty, Minister, and Secretary of State for Foreign Affairs, dated yesterday, and to which he loses no time in replying.

The undersigned is well aware that there must be an accumulation of business at the present time in the Department of Foreign Affairs, and especially that the interesting negotiations for peace will occupy much attention. He offers his respectful congratulations that this negotiation has commenced; and he most sincerely hopes, for the sake of humanity, and for the good-will which the United States entertain towards both parties, that those negotiations will result in a termination of this unfortunate war, which has been productive of such extensive evils.

But however important this and other objects of present attention may be, they cannot be more so eventually than the questions at issue between the United States and Brazil, while these latter have a priority of date, and cannot any longer be deferred to any others. His excellency the Marquis of Aracaty will recollect that in April, 1827, the Government of Brazil considered its relations with that of the United States in a situation of such delicacy that a vessel was hired to carry a special messenger on the part of this Government to make explanations; that in consequence of the orders he carried, the Brazilian chargé d'affaires made the most earnest request that a new agent from the United States might be sent to Rio Janeiro, and gave the most positive assurances that all difficulties which had arisen should be most promptly and completely removed on his arrival. Unavoidable circumstances retarded the coming of the undersigned several months longer than had been expected, and of course increased the urgency of a speedy arrangement; yet he has now been two months at this Court, and only a single point (which, from the peculiar circumstances connected with it, should not have experienced an hour's delay) has been settled.

The Government of the United States has seen with equal surprise and sensibility for years past, a succession of outrages upon the persons and property of its citizens, by various persons in the service of his Imperial Majesty; these outrages, far more offensive from their character than their amount, have, from time to time, been represented to the Government of Brazil with very little effect, until at length the relations between the two countries were rather abruptly brought to a crisis of great delicacy. At this moment, the Government of the United States, with its characteristic moderation, listened to the representations of the Government of Brazil, and relying with implicit good faith on the assurances of the most prompt and ample redress which were so emphatically given, sent a new mission to the Imperial Court, which, after the efforts of two months, has met with no success except in a solitary case. If your excellency reflects on the position of the United States, it will be evident that it is very peculiar, owing to the course pursued by the Imperial Government; and though other nations may be pursuing similar objects, (an allusion to what is so very notorious may be allowed for the sake of illustration,) none of them are situated like the United States. The Marquis of Aracaty will be able to judge, from his knowledge of the character of the people and the Government of the United States, whether it will be the most dignified or the wisest course to trifle with their feelings in the presence of the world by vague delays and unsatisfactory professions.

Since his last letters, the undersigned has received further communications from his Government, and the tone of these, and of others, as his excellency has been previously informed, renders an immediate decision necessary. In his last letter the undersigned mentioned the intended sailing of the Macedonian. Under existing circumstances, Commodore Biddle has determined to return to the United States without waiting for the ship that is destined to relieve him, and is making preparations to sail in a week. His excellency the Marquis of Aracaty may be assured that the despatches forwarded by this frigate will have a decisive effect. If his Imperial Majesty's councils have changed their opinion, and now decline redeeming the pledges given upwards of a year since, it is necessary the Government of the United States should understand the fact; and they will so understand it, if information of a positive arrangement of all the principal points cannot be given. Nothing that the undersigned can say would have any influence to delay definitive measures, which facts only, and not assurances, can now prevent.

The undersigned cannot forbear to express his astonishment, after the strong and reiterated assurances of the Marquis of Aracaty of the desire of the Imperial Government to draw closer and closer the ties of friendship between the two countries, that the information of his having received full powers to negotiate a treaty of amity, commerce, and navigation, between the United States and Brazil, and his readiness to meet, as soon as the pending claims are adjusted, a person duly authorized for this great purpose by his Imperial Majesty, is not even alluded to, after the previous intimations of his excellency on this topic, and remains absolutely unnoticed. Is he then to infer that such a treaty with the United States is a matter of indifference to the Government of Brazil?

Profoundly impressed with the imminent situation of affairs between the two countries, and animated with the most sincere desire to terminate amicably every pending subject of irritation, to restore the harmony which has been interrupted, and prepare the way for the extension of future intercourse, the undersigned will recapitulate the points that require immediate adjustment to produce these desirable results. By doing this in the plainest manner, he wishes to give an unequivocal proof of the integrity of his wishes to bring the negotiation intrusted to him to a friendly conclusion. He enumerates the points in the following order:

First. The cancellation of the bonds relative to the Spermo.

Second. The immediate nomination of some person to meet the agents of the respective claims, for their examination and final settlement, by taking the bills of this Government for the amount to be agreed upon, which shall be settled by the arbitration of impartial persons if the parties cannot decide the point.

Third. In what manner the Imperial Government will make payment for the claims after the amounts are settled. With a desire to promote the convenience of this Government, the proposal was made in the letter of the 5th of July to take bonds, on interest, payable in one year from the date, with the condition expressed, that if not then liquidated they should be received in payment of duties at the custom-house. In the settlement of the Spark's case this proposition was materially varied by taking the notes without interest in three terms of six, twelve, and eighteen months; and to remove as far as possible every impediment, a similar arrangement will be acquiesced in for the remaining claims. It is more requisite that a distinct statement should be made on this point, as, from some expressions in the note of the Marquis of Aracaty of the 6th instant, it might be inferred that the claimants were to look to the estates of the captors for indemnity; but his excellency the Minister of Foreign Affairs will be perfectly aware that such a suggestion, if in reality it were contained in the above letter, cannot be admitted. The claims now brought forward are not in the shape of pleas in the tribunals of Brazil against the captors, but have become a subject of national concern. The Government of the United States asks for justice towards its citizens of the Government of Brazil. It looks only to that Government for redress, and knows nothing of the captors, whom the Government of Brazil, as a matter of interior policy exclusively, may consider amenable or otherwise to itself alone.

Fourth. These points being arranged, the undersigned requests an answer on the subject of forming a treaty of commerce.

The undersigned entreats his excellency the Marquis of Aracaty to consider these essential points as speedily as possible, and to favor the undersigned with a definitive answer, that he may transmit the same to his Government by the Macedonian, which departs in a few days. He begs leave to assure his excellency that this is *the last time* he shall bring forward these questions, and that the decision now of his Imperial Majesty's councils will be final. It neither comports with the dignity and magnanimous moderation of his Government, nor with the character of the nation he has the honor to serve, to continue any longer in solicitation of that justice which was so solemnly promised last year; and if the present communication should unfortunately not produce a satisfactory result, he will have no other alternative but to forward copies of the correspondence that has taken place, and wait in silence for the ulterior orders of the President of the United States.

As this therefore may be the last communication he may have the honor to make, he avails himself of the occasion to express to his excellency the Marquis of Aracaty, his conviction of the personal sincerity with which his reiterated assurances of friendly feelings have been made, to express

his regrets that they have been hitherto so far ineffectual, and must be, if not accompanied by a complete adjustment, wholly unavailing on the policy of the American Government, whose honor is irretrievably engaged in the result of this negotiation; and he requests his excellency to again accept the assurances of his high consideration and esteem.

W. TUDOR.

No. 14.

The Marquis of Aracaty to Mr. Tudor.

Respondendo agora as notas cuja recepção accuza em 19 do corrente, o abaixo assignado e do conselho de sua Majestade o Imperador, ministro e Secretario d'Estado dos negocios estrangeiros, tem a satisfação de communicar ao Sor. Guilhermo Tudor, encarregado de negocios dos Estados Unidos d'America as disposições ordenados pelo Governo de sua Majestade Imperial para hazer ao fim dezejádo ao difficultades que se suscitarão, e de que tratão as referidas notas.

Não hé se não sobre os mais solidos fundamentos que o abaixo assignado tem por varias vezes asseverado ao Sor. Tudor que o arranjamento relativo ao Spermo hé de tal modo dependente de averiguações indispensaveis que toda a dilação que a esse respeito tem havido hé unicamente devida a falta de illustrações que se tem mui solicitamente procurado: porem hé do dever do abaiso assignado fixar toda a incertera que esse demora possa haver produs; do no animo do Sor. Tudor, certificando lhe que qualquier que seja o resultado no caso do Spermo ao seo respectivo reclamador; e julga o abaiso assignado que esta seguran tantas vezes repetidas sera por elle considerada como huma obrigação que o Governo se não subtraherá.

Desejando do mesmo modo o Governo attender a todas as outras reclamações mencionadas nas diversas notas do Sor. Tudor e fixar o seu valor para establicéa o modo do pagamento tem elle nomeade ao Donton Diego Joares de Silva Bivar e ao official do Secretario d'Estado dos Negocios Estrangeiros, Antonio José da Silva Louveiro, aos quaes os agentes respectivos se poderão diriger, e sendo o Governo por elles informado assim dos objectos como da importancia das ditas diversas reclamações sera fixadó o modo de satisfacer a aquellas que se conceituarem justas e legues e como taes dignas da consideração dos dois Governos e se segura mais o abaiso assignado que aquellas reclamações a que sejão responsaveis os captores o Governo as satisfara entendendo se com os captores.

Tem o abaiso assignado a maior satisfação em ver quanto são concordes os seus derejos com os de Sor. Tudor, por que no momento em que hia communicar lhe tão terminantes disposições receber a sua nota de hoje, e percebe que se lhe falta observar que limitando—se na sua nota de 19 do corrente a accusar a recepção das do Sor. Tudor de 9 e 12 do mesmo mês, não julgon necessario entrar na materia de todos os antigos que ellas contenhão, e por isso tendo ja de palavea certificado quanto o Governo estimaria entrar na negociação de hum tratado que mais estreitamente legue

os reciprocos intereses dos dous paises seguio o sentido de algunas das anteriores communicações do Sor. Tudor tratando primeiramente dos arranjamentos pendentes.

Porem se por haver callado por esta rarão os sentimientos que ja havia sufficientemente expressado acerca de tão interresante assumpto o Sor. Tudor, porem duzido a julgar que o Governo parece quer demorar huma negociação que tante présa e que julga da maior importancia para os dois Estados, deve o abaiso assignado declarar que se acha anetusado para cutrar nesse assumpto logo que o Sor. Tudor o derejar e que recebem ordem de sua Magistade Imperial para assim lho asseverar.

O abaiso assignado renova ao Sor. Tudor as expressões do sea obsequio e estima.

Palacio do Rio de Janeiro, em 21 de Agosto 1828.

MARQUEZ DE ARACATY.

Mr. Birckhead to Mr. Tudor.

Rio de Janeiro, *August* 4, 1828.

Dear Sir: I have just had an interview with the Minister of Marine. He commenced the conversation by asking if I had not seen the Marquis de Aracaty a few day ago; to which I replied I had. He then observed, that in order to prevent evil-minded persons from supposing he gained any thing by arranging the pecuniary affairs of his department, he proposed to nominate two persons, and that you or I might nominate two others, as commissioners to settle *how much the Government ought to pay for the Spark,* and in what mode the payment should be made, and that he would submit to them all the documents in his office relating to her. I replied to this extraordinary proposal, that I was sure you would not assent to it; and, as for myself, I had nothing to do in the matter but to receive the money when the Government was willing to pay; that I believed your instructions from the United States were decided in regard to this business; and I knew you had considered the question settled with the Marquis de Aracaty. He told me I might assure you the Government would pay, and was willing to do so; but people out of doors talked very freely of the acts of the Government, and the amount was large. I replied to this that I had observed, in looking over the statement published a few days ago of the situation of the affairs of the bank, that the Government had paid them upwards of a million of Spanish dollars at the rate of a milrea each; these dollars were still in the vaults of the bank, and I supposed the Government could get from them thirty-five thousand to pay for the Spark, which would settle the question of exchange. He said it was a happy suggestion; requested me to say nothing about it; asked whether I had mentioned it; and said he would propose it to the Marquis; who he had previously stated intended to address you on the subject of appointing arbitrators to settle the business. I asked him if I might call on him *to-morrow,* and know finally how he would arrange the matter; he hesitated and replied no. I told him I knew you were extremely anxious to have this affair settled; and that as vessels were about to sail for the United States I was sure it would be very satisfactory to you to be able to inform the Government of the United States of its arrangement. He replied that I might assure you it should be settled. I asked him then to name a day; and observed that I considered it an easy matter to get the dollars from the bank; he said, with a significant look, he did not control the bank; that he must see the Minister of Fazenda on the subject; and that his Majesty must be consulted. He then named Thursday. I asked him if I understood him to say that I might inform you on Thursday this business should be settled, either by a payment of the dollars, or a settlement of the amount by acceptances, as before agreed on, at the exchange of 1,750 reas per dollar; to which he replied affirmatively. I then left him. In a previous part of the conversation, however, he asked me if we could not arrange the payment for the Spark in produce; to which, I replied I had no authority from the owner to make such an arrangement; that he wanted the amount remitted either in bills or specie.

Very respectfully,
Your obedient servant,
J. BIRCKHEAD.

William Tudor, Esq. &c.

List of the documents which follow.

No. 1. Letter to the Marquis of Aracaty, acknowledging the receipt of his despatch, by which the pending questions are placed in a train for settlement, and enclosing his commission, with full powers to form a treaty of peace.

No. 2. Letter from the Marquis of Aracaty, communicating that the Minister of Marine and himself are named plenipotentiaries by his Imperial Majesty to form a treaty of commerce, and are ready to enter on the business immediately.

No. 3. Letter from the Marquis of Aracaty, communicating that the bonds relative to the Spermo are annulled.

No. 4. Letter to the Marquis of Aracaty, acknowledging the receipt of the two last notes, and requesting that a formal commission, signed by the Emperior, naming the plenipotentiaries, may be sent to him, to comply with established forms; expressing his satisfaction that the bonds of the Spermo are cancelled, and communicating some recent injuries against American vessels at Montevideo, and soliciting that orders may be sent to put a stop to them.

No. 5. Answer from the Marquis of Aracaty, written in English, at his own house, saying that the commission in due form should be executed tomorrow; and that on the other topics he would take the commands of the Emperor.

No. 6. Letter from the Marquis of Aracaty, communicating that the Emperor had given positive orders that the acts complained of at Montevideo should be remedied; and that the guilty persons should be brought here, to be disposed of as he may decide.

No. 7. Letter from the same, enclosing original commission of the Emperor to his plenipotentiaries for forming a treaty, with the great seal affixed.

No. 8. Copy of the commission to the plenipotentiaries.

No. 1.

Mr. Tudor to the Marquis of Aracaty.

LEGATION OF THE U. S. A.,
August 22, 1828.

The undersigned, chargé d'affaires of the United States, has the honor to acknowledge the receipt of the letter dated yesterday, of his excellency the Marquis of Aracaty, of his Imperial Majesty's Council, Minister, and Secretary of State for Foreign Affairs, and is extremely glad that the contents of the aforesaid despatch will enable him to inform his Government, by the Macedonian, that all the questions relative to claims are now in train for an early and final adjustment.

His excellency having stated that he is authorized by his Imperial Majesty to enter upon the negotiation of a treaty of commerce, now encloses the powers given him by the President for that purpose, and requests his excellency to send him the commission of his Imperial Majesty on the other part, that he may transmit a copy of the same to his Government. These credentials being thus exchanged, according to established usage, the undersigned will immediately send to his excellency, for his consideration, the basis of such a treaty as he is directed by his Government to propose to the Government of Brazil; and will be ready to use all possible expedition in the formation of such a treaty, in order that the same may reach the United States in time to be ratified by the present Congress.

He avails himself of this opportunity, with great pleasure, to repeat to his excellency the Marquis of Aracaty, the assurances of his high respect and esteem.

W. TUDOR.

No. 2.

The Marquis of Aracaty to Mr. Tudor.

Havendo se S. M. o Imperador dignado nomear por seus plenipotenciarios tanto ao abaixo assignado do seu Conselho, Ministro e Secretario de Estado dos Negocios Estrangeiros, como ao Ministro e Secretario dos Negocios de Marinha, Miguel de Soura Melhoe Alvim, para tratarem, como Sor. Guilhermo Tudor, encarregado de negocios dos Estados Unidos de America, da negociação do tratado de commercio e navegação entre este Imperio e os ditos Estados.

O abaixo assignado não se demóra em farer esta participação ao Sor. Tudor que sem duvida reconhecera que o Governo Imperial da sua parte derejo quanto antes concluir esta importante negociação a qual não podera deixar de ser summamente vantagora a ambos paizes.

O abaixo assignado renova ao Sor. Tudor as expressões do seu obsequio e estima.

Palacio de Rio de Janeiro, em 22 de Agosto de 1828.

MARQUEZ DE ARACATY.

No. 3.

The Marquis of Aracaty to Mr. Tudor.

O abaixo assignado, do conselho de sua Majestade o Imperador, Ministro e Secretario d'Estado dos Negocios Estrangeiros, observando o systema que tem seguido de participar ao Sor. Guilhermo Tudor, encarregado de negocios dos Estados Unidos de América, todas as informaçoens que vem chegando se appressa agora a communicar lhe que já recebeo o esclarecimente necessario sobre quem foi que prestona fiança em Pernambuco a favor de brigue Spermo, podendo assegurar ao Sor. Tudor que ainda que o Governo Imperial espera pelo resultado das indagaçõens aque mandon proceder n'aquella provincia como ja se annuncion ao Sor. Tudor contenido em todo o caso a mencionada fiança ficara annullada.

O abaixo assignado reitéra por esta occasião ao Sor. Guilhermo Tudor as expressoens do seu obsequio e distincta consideração.

Palacio do Rio de Janeiro, em 23 de Agosto de 1828.

MARQUEZ DE ARACATY.

No. 4.

Mr. Tudor to the Marquis of Aracaty.

The undersigned, chargé d'affaires of the United States, has the honor to acknowledge the receipt of two notes of his excellency the Marquis of Aracaty, Councillor, Minister, and Secretary of State, dated the 22d and 23d instant. The first of these communicates to him that his Imperial Majesty the Emperor of Brazil has designated, as his plenipotentiaries to form a treaty, their excellencies the Marquis of Aracaty, Secretary of State for Foreign Affairs, and the Secretary of State for the Marine Department, Miguel de Soura Melhoe Alvim; and although this official notice is perfectly satisfactory to the undersigned in point of fact, and eminently so that he shall have to negotiate personally with your excellency, yet, in point of form, which, in a transaction of this solemnity it is desirable to follow with all the exactness of established usage, there should be communicated to him a commission, signed by his Imperial Majesty the Emperor, as a counterpart to the commission signed by the President of the United States, countersigned by the Secretary of State, which he had the honor to transmit to his excellency.

On looking at the treaties between his country and the principal Powers of Europe, he finds invariably this phraseology in the beginning: "The President of the United States having named A. B. plenipotentiary, and the Sovereign of England, France, Russia, &c. having named C. D. his plenipotentiary, for the formation of a treaty, and the said plenipotentiaries having first exchanged their full powers in due form and order, proceeded to agree upon the following articles," &c. As this, therefore, appears to be the established practice between nations, he requests your excellency will have a commission prepared, to be signed by his Imperial Majesty the Emperor, that nothing may be defective even in the forms of a negotiation which, if happily concluded, it may be hoped will lead to the mutual and permanent advantage of both countries. An excessive pressure of correspondence at the present moment will oblige him to defer, for two or three making a communication as to the basis proposed by his Government, which, however, shall be done at the earliest moment possible.

By his excellency's note of the 23d instant, the undersigned is much gratified to find that an investigation has satisfied his excellency that the views of his Government were well-founded in the case of the Spermo; and the cancellation of the bonds, in the case of that vessel, will be an additional step towards removing all difficulties, which he will have great pleasure in communicating to the Secretary of State by the Macedonian.

The undersigned regrets to state to his excellency that he has received a letter from the owner of the schooner Hannah, dated at Montevideo, which vessel is under detention, the crew turned ashore, vessel robbed, &c., and yet it is quite evident that there is no circumstance to criminate said vessel, and it will only be adding a new claim on the Imperial Government.

Another case also had arisen, that of the schooner Amity, condemned, respecting which he has not yet received all the official documents. There has also occurred an atrocious act of beastly violence perpetrated by soldiers on the steward of a vessel they had in charge, that would sully the darkest paper to particularize, and which being introduced into a general protest, will inspire disgust and horror wherever it is known, and not being punished by the officers, will serve to fix a general stigma, for the outrage of a few wretches.

There seem to be great caprice and irregularity in the proceedings at Montevideo, and one vessel is condemned under the same circumstances that another is cleared. Besides the practice of taking the crew out of the vessel, and putting on board soldiers, which is contrary to the laws of nations, the worst consequences follow : every kind of pillage goes on with impunity, and the soldiers being ignorant of the management of a vessel, and only intent on plunder, it has happened not in one case only but in many, that a vessel has been so deeply injured, that on restoration by the tribunals, it was found the expense of repairing them would be more than their value, and therefore became a total loss, furnishing, of course, a just claim against the Government. Considering these circumstances, the undersigned would respectfully suggest to your excellency the expediency of forwarding some orders on this subject by the packet now about sailing; and if the preliminaries of peace are agreed upon, as the public, in general, seems to cherish the hope, that directions may be given to the officers to cease hostilities against neutrals, which are only causing additional subjects of complaint and expense, without serving any legitimate purpose.

The undersigned renews to his excellency the Marquis of Aracaty the assurances of his high consideration and respect.

W. TUDOR.

No. 5.

The Marquis of Aracaty to Mr. Tudor.

The Marquis of Aracaty presents his most sincere and affectionate compliments to Mr. William Tudor, and begs to assure him that the commission of the Brazilian plenipotentiaries will be signed to-morrow by his Imperial Majesty, and sent to Mr. Tudor. The Marquis of Aracaty will also hasten to receive and communicate to Mr. William Tudor his Majesty's orders about the contents of his note that he has just now received.

He avails himself of this opportunity to renew to Mr. William Tudor the assurances of his particular esteem and consideration.

MARQUIS OF ARACATY.

SUNDAY, *August* 24.

No. 6.

The Marquis of Aracaty to Mr. Tudor.

Sua Magestade Imperial tomande em consideração as diversas representaçoens contenidas na nota que em data de hontem dirigio o Sor. Tudor honre por bem ordenar ao Ministro e Secretario de Estado dos Negocios da Marinha, que fizesse as necessarias recommendaçoens ao commandante da esquadra Brazileira no Rio da Plata, para que ponha todos os seus esforçose cuidado em reprimer actos que sejão contrarios ao Direito das Guites, e que proceda do modo necessario para escarmentar aquelles que os honverem practicado nos diversos casos relatados na mesma nota expondo os na presença do mesmo senhor com a evidencia que de suas investigaçoens resulta para o ulterior procedimento que convier. O que tudo se apréssa o abaixo assignado a communicar ao Sor. Tudor como sua Magestade Imperial lhe recommendon; e se prevalice desta occasião para reiterar lhe os protestos do seu obsequio e particular estima.

Palacio do Rio de Janeiro em 25 de Agosto de 1828.

MARQUEZ DE ARACATY.

No. 7.

The Marquis of Aracaty to Mr. Tudor.

O abaixo assignado, do conselho de sua Magestade o Imperador, Ministro e Secretario d'Estado dos Negocios Estrangeiros, havendo na data de 22 do corrente, participado ao Sor. Guilhermo Tudor, encarregado de negocios dos Estados Unidos de America, a nomeação dos plenipotenciarios Brazileiros para tratarem com o Sor. Guilhermo Tudor de negociação do tratado de commercio entre este Imperio e os ditos Estados Unidos; se apressos agora un remetter lhe os plenos poderes originarios da nomeação dos ditos

plenipotenciarios, restituendo ao mesmo tempo o pleno poder do Sor. Tudor a quem roya naja de dirigir ao abaixo assignado huma copia d'elle conservando a que achará incluza na forma do stylo que aque se tem practicado.

O abaixo assignado renova ao Sor. Guilhermo Tudor as expressões de seu obsequio e estima.

Palacio do Rio de Janeiro em 25 de Agosto de 1828.

MARQUEZ DE ARACATY.

No. 8.

The Imperial commission for the negotiation of a treaty.

Don Pedro, pela graça de Deo se unanime acclamação dos Pedros, imperador constitucional e defensor perpetuo do Brazil, &c. Faço saber aos que esta minha carta de poder geral e especial virem: Que havendo o Governo dos Estados Unidos d'America nomeado por seu plenipotenciario a Guilhermo Tudor, seu encarregado de negocios junto á corte do Rio de Janeiro, para tratar da negociação de hum tratado de commercio e navegação entre este Imperio e os Estados Unidos d'America; e convindo igualmente nomear da minha parte pessôa ou pessôas da minha imperial confiança que possão entrar desde logo nesta negociação de que espero os melhores resultados a bem das partes interesadas e particularmente deste imperio cuja prosperidade tanto procuró promover; e concoriendo nas pessôas do Marquez do Aracaty do meu conselho, gentil homem da minha imperial camara, conselheiro da Fazenda, commendador da ordem de avis, senador de imperio, ministro e Secretario de Estado dos Negocios Estrangeiros; e de Miguel de Soura Melhoe e Alvim, do meu conselho, cavalleiro das ordens de avis e imperial de cruzeiro, chefe de divisão da armada imperial e nacional, ministro e Secretario dos Negocios da Marinha, todas as qualidades necessarias para o bom desempreno de tuô importante commissão. Hey por bem nomearlas como por esto os nomeio meus plenipotenciarios, para que conferindo como plenipotenciario nomeado pelo Governo dos Estados Unidos dá America, possad estipular, concluir, e firmar a lhe o ponto de ratificação, segundo os instruçoens que de mim immediatamente receberem qualquer tratado ou convenção a que as negociações derem lugar; dando lhes en para esté effeito todos os plenos poderes, mandate geral e especial que necessario he; e prometto, em fe de palavia imperial, que haverei por firme e valioso e ratificorei tudo o que pelos meus plenipotenciarios ad hoc assim for estipulado, concluido, e assignado, em meu imperial nome, com o plenipotenciario nomeado pelo Governo dos Estados Unidos d'America, munido de iguaes plenos poderes. Em testemunho do que, mandei lavrar a presente por mim assignado. Sellado com e selle grande das armas do imperio, e referendada pelo meu Ministro e Secretario d'Estado abaixo assignado. Dado no Palacio do Rio de Janeirio aos vinte e tres dias do mes de Agosto, do anno do nascimento de nosso Senhor Jezus Christo de mil oito centos e vinte oito; septimo da independencia e do imperio.

Imperado com rubrica e guarda.

JOSE CLEMENTE PEREIRA.

Carta porque vossa Majestade Imperial na por bem nomcar seus plenipotenciarios ao Marquez do Aracaty, de seu conselho, gentil homem de sua imperial camara, conselheiro da Fazenda, commendador da ordem de avis, senador do imperio, Ministro e Secretario de Estado dos Negocios Estrangeiros; e a Miguel de Soura Melhoe Alvim, do seu conselho, cavalleiro das ordens de avis e imperial do cruzeiro, chefe de divisão da armada imperial e nacional, Ministro e Secretario de Estado dos Negocios da Marinha, para que conferindo com o plenipotenciario nomeado pelo Governo dos Estados Unidos d'America possão estipular, concluir, e firmar a lhe o ponto de ratificaçāo qualquer tratado ou convençāo a que as negociaçoens derem lugar, tudo na forma acima declarada. Para vossa Majestade Imperial ver.—José Jaquine Timótheó d'Aranjò á fer.

No reverso. Esta conforme:

BENTE DA SILVA LISBOA.

No. 105.

Mr. Tudor to Mr. Clay.

Legation of the U. S. A.,
Rio Janeiro, August 27, 1828.

Sir: I have stated in a previous letter that this Government had named commissioners for the settlement of the claims. Of these two gentlemen, I think an expectation may be entertained that they will act liberally. Mr. Louveiro, of the Foreign Office, is, I am told, well disposed, and it is an advantage that he speaks English perfectly. His associate, De Bivar, is an eminent lawyer here, and has been employed as counsel by the same claimants in most of the cases. They have notified the agents, officially, that they will commence the business to-morrow.

I called two evenings since at the French minister's. He told me that he had finally settled his question of claims, and agreed that the bills in payment, given for the terms before mentioned, should be liquidated when due, at the current exchange of the day; and I suppose we must assent to a similar arrangement, which is, in fact, an equitable one, and a great relief to this Government.

At his house I met with the Marquis of Aracaty, and had some conversation on the subject of our treaty. He *seems* anxious to effect this object, and, so far as I can judge from some general conversation, will be disposed towards a liberal basis.

They are well acquainted with all our treaties, for the Marquis de Gabriac told me they made use of our treaty with Sweden, in which there is some variation on the point of blockade from that with Central America, as an authority to repel some of his arguments. The Marquis of Aracaty asked me when it would be necessary to get the treaty finished, to be in time for ratification at the next session of Congress. I told him I thought if we could complete it in two months it would be in time. He said it should certainly be done. I am going, to-day, to make the first overtures relative to the basis you have instructed me to propose.

Commodore Biddle made me a suggestion that I should like to have realized, which was, to procure an immediate conditional order to place our commerce on an equality with others in regard to duties; but, however desirable it would be, I have concluded, on two grounds, not to attempt it: the first is, that they are perhaps too timid to venture on such a magnanimous step; and a fear that they might make use of such a gratuitous concession as a partial offset against a liberal adjustment of the pending claims; and if I can succeed in the negotiation of the contemplated treaty, the disadvantage we labor under, in regard to duties, will be of short duration.

I believe there is no longer a doubt that the peace was signed yesterday. There had been some delay, owing, I am told, to the question when Montevideo should be evacuated. A French brig of war sailed to-day, with despatches for Europe; and a French frigate for Bahia. The Briton frigate, I suppose, will sail to-morrow for England; and the packet for Buenos Ayres, if the peace be signed.

I remain, with high respect,
Your most obedient servant,
W. TUDOR.

Hon. HENRY CLAY,
Secretary of State.

P. S. Wishing, if possible, to ascertain the fact of peace being signed, that the Macedonian might sail, as she is waiting only for this event, I wrote a note this evening to the Buenos Ayres ministers, requesting information in strict confidence; they write me, in answer, that although they hope their negotiation will be attended with a happy result, no preliminaries of peace whatever are yet signed.

No. 106.

Mr. Tudor to Mr. Clay.

LEGATION OF THE U. S. A.,
August 29, 1828.

SIR: Having heard that the preliminaries of peace were signed yesterday, I wrote a note to the Minister of Foreign Affairs to ascertain the fact officially. He sent Mr. Lisboa, the chief clerk in the department, to tell me that the *preliminaries were signed yesterday.* I have been unable to procure any particulars, but have always understood that the cession of the Banda Oriental, by this Government, was the *sine qua non* held out by Buenos Ayres.

I have the honor to be,
With high respect,
Your most obedient servant,
W. TUDOR.

Hon. HENRY CLAY,
Secretary of State.

No. 108.

Mr. Tudor to Mr. Clay.

LEGATION OF THE U. S. A.,
Rio Janeiro, September 11, 1828.

SIR: My No. 107 was merely a letter of advice, accompanying a bill of exchange.

In addition to the cases mentioned in my No. 102, which I shall not present to this Government till I receive your orders to do so, is that of the schooner Hazard, Captain Burleigh, of Plymouth. This vessel was at Montevideo, and obtained permission to go to Colonia for a cargo of wood; she sailed with sand ballast, and went directly over to the Rosario, where she was taken by a Buenos Aryean privateer, and the captain and part of the papers taken out. In this situation she was captured by the blockading squadron, and sent to Montevideo. On the first trial a salvage of one-eighth was awarded to the captors; they appealed, and she was condemned. On the trial, the captain being asked why he went to Rosario, on the blockade shore, when cleared for Colonia, answered, because such were his orders; and this is the only excuse given. I see no plausible reason for demanding restitution in this palpable case. The vessel was valued at $2,075 4rs., which, fortunately, is the whole demand the case.

I have obtained, *in confidence*, a copy of the convention with Buenos Ayres; of which the following is a translation:

CONVENTION.

1. The Emperor declares the province of Montevideo to be free, and separated from the empire of Brazil; that it may at pleasure constitute a State independent of every other nation.
2. The Argentine republic consents to the same condition, and separates itself from all right or pretension to the said province.
3. Both contracting parties obligate themselves to defend the independence and integrity of the same State during a period, in the forms that shall be agreed upon in the definitive treaty.
4. The existing Government of the Oriental Province and that of Montevideo shall convoke, each in its respective territory, the representatives of the Province in the customary form; and for this purpose the natives and other citizens of said Province who may be in Montevideo, must resort to the place which shall be designated for the assembling, (and which must be at least ten leagues distant from any armed force,) if they wish to make use of their political rights in the election of representatives.
5. The representation of the Province shall elect a provisional government, until a permanent one is instituted according to the constitution. The said provisional government being organized the existing one shall cease.
6. The same representation shall occupy itself in forming a constitution, which both belligerants shall have a right to inspect, with the sole object of ascertaining that it contains nothing opposed to the security of both

States; and if it contains any thing of this nature, it shall be explicitly declared by themselves, and then the constitution shall not take effect.

7. All the inhabitants shall have perfect liberty to leave the country with their property, and all those may remain who choose so to do, in the territories which the parties respectively have to evacuate.

8. There shall be a perpetual amnesty for all those who may choose to remain in said countries, on account of their political actions or opinions anterior to the signing of this convention.

9. The high contracting parties will protect the new State until its constitution is established, and for six years after its being sworn to, that the occurrence of anarchy and disorders may be prevented. But this protection shall be accorded at the demand of its legal Government, and for the sole object before mentioned, discontinuing it as soon as order is re-established, according to the opinions of the same Government.

10. The forces of the republic shall evacuate the Brazilian territory occupied by them within two months, to be counted from the exchange of the ratifications; and they may pass to the other side of the Uraguay or of the Plate, or may place themselves within the Oriental Province, at such points as they may select, until the evacuation of Montevideo.

11. The imperial forces shall evacuate within the same period all the Oriental territory, with the exception of 1,500 men, who shall remain in Montevideo; which place shall be absolutely evacuated (leaving it in statu quo ante bellum) in four months, to be counted from the installation of its provisional government.

12. The troops which remain temporarily, according to the previous stipulation, shall not meddle in any political or civil affairs, except as an auxiliary, on being requested to do so by the legal Government, being in other respects mere spectators. Montevideo being evacuated, all the troops of the republic shall immediately evacuate the whole of the Banda Oriental, which may have remained in it during the occupation of Montevideo.

13. Hostilities shall cease by sea and land as soon as the ratifications are exchanged; by land as soon as the said ratification is notified to the respective Generals; by sea as follows: in forty-eight hours from the exchange of said ratifications, the blockade shall be raised, and other hostilities shall cease within two days as far as Cape St. Mary, in eight days up to St. Catharine's, in fifteen days up to Cape Frio, twenty-two days to Pernambuco, in forty to the line, in sixty to the coasts of the East, and in eighty to the seas of Europe.

14. All prisoners shall be liberated as soon as the ratifications are exchanged, on the condition that they shall previously secure the payment of what they may owe in the respective countries.

15. As soon as the ratifications are exchanged, plenipotentiaries shall be named for the conclusion of a definitive treaty.

16. If, unfortunately, peace should not be adjusted, hostilities shall not be renewed for the period of five years, during which the present armistice shall last, and on that term being completed, they cannot be renewed without six months' notice being given, and without the mediating power receiving notice thereof.

17. The exchange of ratifications shall be made in Montevideo within seventy days of the signing of this convention, or sooner if possible.

An additional article establishes the free navigation of the river Plate for 15 years, guarantied by Great Britain.

My last letters from Lima, which come down to the 1st of July, give a very discouraging picture of the situation of that country; which I fear is on the verge of anarchy, and destined, like all the republican States of South America, to be the prey of factions for a long period.

I have the honor to be,
With high respect,
Your most obedient servant,
W. TUDOR.

Hon. Henry Clay,
Secretary of State.

No. 109.

Mr. Tudor to Mr. Clay.

Legation of the United States of America,
Rio de Janeiro, September 28, 1828.

Sir: By the Macedonian I had the honor to inform you that the bonds of the Spermo had been cancelled, and commissioners appointed to examine the claims with the respective agents, for the purpose of an immediate adjustment. But words vary their meaning in different countries, and what we should call delay is here considered despatch. The cases first given to the commissioners by me for settlement, were those of the schooner Hero and the ship Panther, the latter an old claim of small amount, for demurrage on account of the detention and imprisonment of Captain Austin, who commanded that vessel; the brig Ruth, and the brigs Sarah George and Rio. The commissioners have looked into each of these claims, and have not brought against them any strong exception. But though it is now three weeks since they began on the business, not one of them is finally settled. The agents, who are accustomed to the habits of the country, do not consider the delay as extraordinary, nor as mere trifling to defer a settlement. It excites, however, my anxiety; the progress of all negotiation here is perpetually in doubt until it is finally and irrevocably settled. Several times the labor seemed to to me be over, when I found I had to roll the stone up the hill again. I shall in the course of a few days give the Minister of Foreign Affairs a complete list of the claims I have to protect, excluding for the present those of the United States, Brutus, Hazard, and Caspian.

As I have said in previous letters, the great obstacle is the extreme embarrassment of their finances. The termination of the war will not produce any effect on the exchange until the ratifications are received, which cannot be expected under ten days or a fortnight, as many still doubt whether a peace will be concluded. The Government of late has let many bills lie over when due, which, I am told, never happened before. The Chamber of Deputies refused to lay any taxes; their treaties prevent their raising any means by increase of duties; so that economy and loans must meet the deficit; they, however, authorized the emission of 12,000 contos in *policies*, or treasury notes. The return of peace ought to and probably will diminish their expenses very extensively. They have recently effected a loan of $500,000, bearing interest of six per cent. at 65. Add to this that all the property now claimed for vessels taken from different nations has been absolutely lost, the Government did not get it nor the captors, except in an irregular and wasteful manner; as in every case the vessels and cargoes were plundered by those who had them in charge; and such total neglect, ignorance, and dishonesty have been generally shown, that when the vessels have been released after a few months' detention, they have been found not worth refitting.

The English claims are very large, amounting to upwards of £800,000; and though they have not been urged so strongly as the American or French, they are not suffered to be wholly quiet; and a payment to one party is immediately stated by another, as a precedent that cannot be evaded. I had an instance of this recently: a young man who brought me a letter from Mr. Forbes, came here to recover a claim on account of an English ship, amounting to $150,000; and in this case he told me when the vessel and cargo were given up to him by a decree, they had been so plundered and damaged that the whole proceeds were not $500. The case was similar to that of the brig Sarah George, and they were given up at the same time. The Sarah George is now in the hands of the commissioners. Lord Ponsonby told him to let him know when the claim of the Sarah George was liquidated; undoubtedly with the intention of making a demand for immediate satisfaction. Thus the ministry, which ever way they turn, find a creditor on the watch.

I have heard a report, that two days before the session of the Legislature was closed, the Marquis of Aracaty went to the Chamber of Deputies, which had a secret session, and told them that the claims of the Americans and French had been settled by the agreement to pay 200 contos; and that those of the English were to be arranged by their legation in London. One of the deputies asked how this statement could be accurate; that he had heard the French and American claims amounted to more than 800 contos. The session was so unsatisfactory, and the House so intractable, that the Emperor resolved to close the session, which was done on Saturday the 20th instant, in a very laconic speech, which I enclose, and which only contains reproaches for their neglect of his repeated injunctions to attend to the pressing concerns of the treasury and the reformation of justice. One would suppose that both these objects would be favorite ones with the liberal party; but their refusal to meddle with either is thus accounted for: They allege that any measures they take in favor of the people are stopped in the Senate; that the abuses complained of may, many of them, be remedied by the administration without their intervention; and whenever this disposition is shown, that they will second it; but that the object of the Emperor is to get them to destroy their popularity by laying imposts, and by bringing the whole body of the judicial authority, which is numerous and powerful, to act against them, by attempting to correct a system from which they now derive their support. The venality of the law officers is said to be universal: their salaries are insignificant; but they all obtain handsome incomes. I cannot vouch for the truth of this statement of the motives which have governed the Emperor and the Chamber in these affairs; but the prosperity of the country is greatly impeded for want of these reforms.

I have written to the Secretary of the Navy once or twice respecting the fears that may be entertained on the subject of piracy, which will have so many ready prepared for its service after this war is over. A vessel sailed from this port in the early part of this month of a very suspicious character. She was formerly the Sarah George, which is one of our claims, and is commanded by Ponthier the Frenchman, who has made himself notorious for some deeds of violence in their service, and was dismissed from it, sentenced to nine years' imprisonment, and afterwards pardoned. He has gone out in this brig, now painted black all over, with a letter of marque, having one 18-pounder on a pivot and 10 carronades. The owner is said to be a man of very bad character; and the brig is now called for him Lobo, (anonymous name.) She was cleared ostensibly for a slaving voyage; but with this armament and 75 men on board she has no room to take slaves. It is said by others that the object of the cruise is to plunder the Spanish slave vessels on the coast of Africa; but who can doubt that this unprincipled ruffian would rob a ship of any nation that should come in his way with specie on board? and almost all those from Chili and Peru, and those bound to India, have large sums of money. I believe it necessary to lose no time in preparing a force for this duty, and to keep two or three small vessels cruising in the vicinity of the line, and making an occasional visit to the ports of the Cape de Verds, to prevent piracy from being carried on to a most serious extent in a situation that holds out so many inducements; and every nation ought to send some vessels for the purpose of watching this and the African coast.

The Boston was to leave Montevideo as soon as the ratification of peace was known, and will very probably bring the first intelligence of it. The last news from Montevideo mention recent successes on the part of the Brazil squadron, that may have a timely effect to do away any hesitation at accepting the preliminaries in Buenos Ayres. Admiral Roussin, in a ship of the line, with frigate and brig, is all the French force at present here. Admiral Otway having gone to pass some time at Bahia, the Thelis frigate is the only English vessel of war. A Dutch frigate arrived this week from the coast of Africa.

A vessel which arrived here three days ago, spoke an English brig at sea, which left Lima about the 10th of July, and said that a revolution had taken place in that capital, and that every thing was in confusion. My letters down to the 1st of July, and of which I have given an account in another place, had prepared me for this event, respecting which I know of no particulars, but which is doubtless brought about by the agents of General Bolivar, though they may not perhaps make use of his name openly. The prospect for all those countries is gloomy in the extreme.

I have the honor to be,
With great respect,
Your obedient servant,
W. TUDOR.

Hon. Henry Clay,
Secretary of State.

P. S. I have just heard of an event from Mr. Wright, that will serve to sustain what I have said on the subject of piracy, and which I fear will have many additional confirmations. Captain Churchill, late of the brig Paragon, of Boston, arrived here yesterday in a Brazilian vessel of war from Africa. His vessel was made prize of on the 17th of August at Loando, by an hermaphrodite brig in very high order, of which the officers and men seemed to be chiefly Spaniards and Swedes. The captain and crew were put on shore, and fortunately none of them murdered. This piratical vessel is supposed to have been fitted out in the island of Cuba. Captain Churchill reports that there are three of them on the coast. I hope the President will order several of the smaller class of vessels to be sent out immediately to cruise on the coast of Africa and in the vicinity of the line. The Hudson may perhaps be ordered home; there seems to be little use here for a ship of her class at present. Smaller vessels, which can disguise themselves occasionally to appear like merchant vessels, are the only ones to catch these pirates. If I can obtain a copy of captain Churchill's protest in time I will enclose it.

W. T.

No. 110.

Mr. Tudor to Mr. Clay.

Legation of the U. S. A.,
Rio Janeiro, September 30, 1828.

Sir: By the copies enclosed of my correspondence with this Government, you will perceive the course I have taken on the subject of a treaty. The Emperor named as his plenipotentiaries for this negotiation the Ministers of Foreign Affairs and of the Marine. I proposed to them that they should take a friendly dinner with me, when we should be able to talk upon the subject with less liability to be interrupted. They assented; the Minister of Marine mistook the day named by his colleague, and he came, and we dined *tête-à-tête;* he, however, wrote a note to the Marquis of Aracaty, who came down after dinner. We had only some general conversation, and they agreed to come again two days afterwards. On this occasion we entered upon the subject; they seemed disposed towards a liberal basis. The Minister of Foreign Affairs, however, wished to make a stipulation that the goods to be admitted on equal terms should be only those which were the productions of nations with which they had treaties. I represented to him that this would impair the principle and be the cause of embarrassment and inconvenience. For instance, neither party had treaties with China, and thus Chinese articles must be excluded; that they had already treaties with the principal Powers of Europe, and all the others would, without doubt, soon enter upon negotiations for that purpose. He seemed disposed to give up the exception. The Minister of Marine stated that it would be necessary, in fixing the basis of entire reciprocity, to make an exception in favor of Portugal. I objected to this, without dwelling much upon it, reserving the subject for further discussion. They concluded by asking me to prepare the plan of a treaty, to which I agreed.

In reflecting on this subject, and looking over the various treaties, none seemed to me so perfect in its stipulations as that with Central America.

I therefore made a copy of that, with two or three slight variations, and sent it to them, accompanied by some general observations and reasons against making an exception with regard to Portugal. By the copies of my letters you will see in a condensed form the arguments I have used in this negotiation. One especial object with me has been to awaken them to a resistance to the colonial system of Europe, which is extremely injurious to the interest of every State on this continent; which, receiving its first shock by the independence of the United States, has, by the subsequent independence of new States, met with additional opponents to its narrow and injurious pretensions, and must, at no distant period, finally give way before the universal emancipation of this continent. When the existing very impolitic treaties they have made with some of the European Powers expire, I think, in renewing them, they will be obliged, in self-defence, to contend for a relinquishment of the partialities and restrictions of that system, and probably effect it by adopting corresponding restrictions if the point be not yielded.

I saw the minister on the 20th, at the ceremony of the dissolution of the Legislature, and he told me that there would be no difficulty on the commercial basis, and he had previously written me that the plan I had given was in the course of translation. I have endeavored to urge the claims as a necessary precursor for the success of a treaty, which, however good it might be, would not be well received by the President unless these were adjusted. On the 27th I received a note appointing this day for a conference to discuss the articles proposed. I have just returned from this conference, and after reading over a translation of the plan I proposed, which I have before mentioned was that of the treaty with Central America, I think it will be adopted, with very slight variations. The point, however, respecting Portugal, I fear I shall be obliged to cede. It has been introduced into their treaties with England, France, Austria, Prussia, the Hanse Towns, and one they are now concluding with Holland. They say their motive for it is not so much as regards commerce, but to engage emigration from Brazil: [both the ministers with whom I am treating are natives of Portugal, but they have passed more than half their lives in this country, and their attachments are Brazilian.] I told them I thought it would take place without it. They say, however, that the exception, as yet, is merely in words, and probably will so continue. They showed me the treaty with Portugal, in which there is no stipulation in favor of that nation over others, except, perhaps, the paying of 15 per cent. duties, which has since been introduced in other treaties, and finally extended by law to all nations; and that, in the present aspect of affairs, Portugal is not likely to merit or obtain any peculiar favors; and they believed that the exception never would be made effective. I used such arguments as occurred to me, but I think I shall be obliged to yield the point. We are to meet again the day after to-morrow to decide on each article separately. The principles of maritime war, free ships making free goods, occasioned some objections, but I believe they will agree to the articles. I hope to be able to enclose the treaty to you before the end of next month.

The Legislature, at their late session, passed an act making the duties fifteen per cent. for all nations alike: but finding that no one knew when it was to go into operation, I asked the minister to-day, and he replied that it was sanctioned but not published. I suspect that they keep back the publication to aid the conclusion of a treaty with us and with Holland that they now have under consideration, as they have a strong desire to form treaties with every nation. The most liberal treaty that they have hitherto made is that with the Hanse Towns, which was, however, if common report be true, brought about by other arguments than those of words. That treaty contained a secret article, which rendered it necessary that the consent of England should be obtained for its stipulations, and which was accomplished. The cause of that article was, that by this treaty a Hanseatic vessel could bring English merchandise from any part of the world, paying only fifteen per cent. while an English vessel could only bring their own produce from their own ports at that rate. An English vessel from the United States or Chili, for example, with English manufactures on board, would have been obliged to pay twenty-four per cent. when a Hanseatic one could have introduced them for fifteen per cent.

The French settlement of their claims appears not to have been quite so effective as it had been generally understood to be. I inquired recently of the French chargé d'affaires upon this subject, and learnt from him that the Marquis de Gabriac had made a convention by which all the prizes were to be paid for; but the settlement is not very prompt. By this convention commissioners were to be named in September, (this has been done,) who should examine into all the claims before the month of February, and settle the amount to be paid; and this payment was to take place in 6, 12, 18, and 24 months. As yet, therefore, the only points that have been obtained by the claimants of any nation are the payment of the Spark and the cancellation of the bonds of the Spermo. I shall urge the remainder of our claims to the utmost of my power.

I have just received a letter from the Marquis of Aracaty, informing me that a Brazilian vessel of war had fortunately been able to render some service to an American citizen, in bringing him and his property (a quantity of ivory) from a port on the coast of Africa, where his vessel had been taken by pirates, and adding that it was a particular satisfaction to this Government that one of its vessels had been able to render a service to an American citizen. I shall return him thanks on this account. The case is that of Captain Churchill, of the brig Paragon, of Boston, mentioned in my last letter.

I have the honor to be,
With high respect,
Your obedient servant,
W. TUDOR.

Hon. HENRY CLAY, *Secretary of State.*

List of documents annexed, from August 27th to September 27th, 1828.

No. 1. Letter to the plenipotentiaries for the formation of a treaty, proposing, as a commercial basis, the 4th and 5th articles of the treaty between the United States and Central America.

No. 2. Private note to the Marquis of Aracaty, proposing a conference at Mr. Tudor's residence.

No. 3. Note to the Marquis of Aracaty, requesting official information respecting the signing of the preliminaries of peace with Buenos Ayres.

No. 4. Letter to the Marquis of Aracaty, respecting the case of an imprisoned American seaman.

No. 5. Answer to the preceding.

No. 6. Note to the Marquis of Aracaty, acknowledging the reception of a previous note and copies of certain treaties, and pressing the settlement of the claims.

No. 7. Letter to the plenipotentiaries, enclosing the plan of a treaty, which is a copy, with very slight variations, of the treaty with Central America, and giving explanations against the making Portugal an exception to the regulations contained in the commercial basis.

No. 8. From the Marquis of Aracaty, promising that despatch should be made in the settlement of the claims.

No. 9. Note from the same, with cards to attend the ceremonious closing of the session of the Legislature by the Emperor in person.

No. 10. Note from the same, announcing that the plague had broken out in Bucharest, and, to prevent its being introduced here, that he would request the commander of the American squadron to give orders that no boat from his ships should board any vessel entering until the same had been visited by the health-boat.

No. 11. To the plenipotentiaries, making some explanations and additions to the plan proposed in a previous letter.

No. 12. Letter to the Marquis of Aracaty, acknowledging the receipt of his note on the subject of boarding vessels; and urging anew an immediate termination of the claims before the commissioners.

No. 13. Note from the Marquis of Aracaty, acknowledging receipt of the plan of a treaty, that it was in a train of translation, and as soon as that was completed that a conference should be appointed for its discussion.

No. 14. Note from the Marquis of Aracaty, appointing the 30th of September for a conference on the proposed treaty.

No. 1.

Mr. Tudor to the Marquis of Aracaty.

LEGATION OF THE UNITED STATES OF AMERICA,
Rio Janeiro, August 27, 1828.

The undersigned, chargé d'affaires of the United States, has the honor to address his excellency the Marquis of Aracaty, Councillor, Minister, and Secretary of State for Foreign Affairs, and to return the commission of his Imperial Majesty appointing plenipotentiaries for the negotiation of a treaty, and also a duplicate original of the commission given by the President of the United States of America for the same purpose, to be retained in the Department of Foreign Affairs.

The undersigned now proceeds to open the subject of a treaty of friendship, commerce, and navigation, which he has been empowered and instructed to form with the plenipotentiaries of his Imperial Majesty, and he enters on the task with the strongest hopes of a fortunate result, knowing that he has not to propose any complicated stipulation of particular favors, but the most generous plan of entire reciprocity and equality in every thing relative to commerce and navigation between the United States and Brazil. For this great object he has been directed to offer, and now submits to their excellencies, as a basis for these main objects, the principles contained in the fourth and fifth articles of the treaty between the United States and Central America, and which have been subsequently embraced in treaties concluded by the United States with Denmark, Sweden, and the free Hanseatic cities of Europe. The following are the articles mentioned, with the substitution of the empire of Brazil for that of the republic of Central America.

[Here follow the two articles.]

As the undersigned cannot so well express the explanation made by the Secretary of State on the bearing of these articles as in his own words, he begs leave to cite the following passages from his instructions: "On this basis no higher or other duties would be imposed on the importation into the ports of one country of any articles the produce or manufacture of the other, than should be paid on the like articles, being the produce or manufacture of any other foreign country. Nor would any higher or other duties or charges be imposed in either of the two countries, on the exportation from the one to the other of any article of their respective produce or manufacture, than such as should be paid on the exportation of similar articles to any other foreign country. Nor would any prohibition be imposed on the exportation or importation of any articles the produce or manufacture of either country, to or from their respective ports, which should not equally extend to all other nations.

"Such would be the principle of the basis under consideration in respect to the commerce between the two countries. It would leave each at perfect liberty, as each ought to be, to impose such duties as its wants or its policy might seem to require, while it would restrain either from laying upon the produce or manufactures of the other higher duties than are exacted from other nations on similar articles of their produce or manufacture. It would consequently remove the existing inequality prevailing in the ports of the Brazils to the disadvantage of the United States, of which we have more just cause to complain, since there is no similar inequality operating in our ports to the prejudice of the commerce of the Brazils. What would the Government of the Brazils think if we were to make a difference of nine or ten per cent. against the coffee of the Brazils in the ports of the United States?

"As to the navigation between the two countries, the basis is founded upon the most perfect equality and reciprocity. According to its principles, whatever can be imported or exported from the ports of one country in its own vessels, without any regard to the place of origin, may in like manner and upon the same terms and conditions be imported and exported in the vessels of the other country.

"This is the most perfect freedom of navigation; we can conceive of no privilege beyond it. All the shackles which the selfishness or contracted policy of nations had contrived are broken and destroyed by this broad principle of universal liberality."

In further elucidation of the subject while commenting on the absurd and injurious system of restrictions, which are still too frequently seen in the lingering remains of legislation in barbarous ages, the Secretary of State remarks: "If one maritime Power in its intercourse with another endeavors to secure to its own navigation peculiar advantages, by laying burdens upon the navigation of that other from which its own is free, countervailing legislation is the necessary consequence. Restriction begets restriction, until the parties, after a long course of irritating legislation and counter-legislation, find themselves arrived in the end at a point of equality it is true, but it is an equality either of mutual interdiction of all intercourse or of burdensome restrictions, essentially impairing the value of that intercourse. When that point is at last reached, the discovery is made by the contending parties that they had better have set out with equal and reciprocal freedom from burdens, and that each has injured himself as much if not more than the other, by the shackles that were attempted to be put upon his navigation. It is to be hoped that the Governments of the United States and the Brazils will avoid this unfriendly process of imposing burdens and restrictions upon the navigation of each other, and in their first treaty of commerce exhibit to the world an example of equal justice and liberality worthy of imitation."

It would be superfluous for the undersigned to trouble their excellencies, the plenipotentiaries of his Imperial Majesty, with a diffuse comment on the spirit or operation of such a basis, as that treaty as well as the similar ones are well known to them and have no doubt occupied their reflections. The beneficent influence which these principles must inevitably produce on every State which adopts them, may be calculated upon most especially by Brazil and the United States. There are, besides, collateral motives and considerations connected with them of the most extensive importance; but which have come so recently into action that they are not even yet fully developed, and are perhaps imperfectly understood by the world at large. A free discussion of these would perhaps throw additional light on the advantageous effects that may be produced by the present negotiation; and the undersigned will be ready to meet their excellencies at any time they will designate, for a conference on these points; in which they may probably settle the first principles, and mark out a course for the progress of the negotiation, which it is very desirable to bring to maturity with all the despatch which the due consideration of such a momentous subject will admit.

The undersigned avails himself of this occasion to tender to their excellencies, the Ministers of Foreign Affairs and of the Marine, the assurances of his very high consideration and respect.

W. TUDOR.

No. 2.

Mr. Tudor to the Marquis of Aracaty.—(Private.)

Mr. Tudor presents his respectful compliments to the Marquis of Aracaty, and wishes to propose that the conference requested in the accompanying official despatch should take place at his residence, as he is absolutely alone, and they would not be exposed to any interruption. If this would be agreeable to the Marquis, he requests him to fix on the first open day with his excellency the Minister of Marine, when they will do him the favor to come here and partake of a friendly dinner; and no one else will be invited, that they may talk over the general subject of the negotiation without interference from other avocations. He requests the Marquis to name a day, the earlier the better, and the hour most convenient to them—four o'clock or any later one.

31 *Praya Flamingo, August* 27, 1828.

No. 3.

Mr. Tudor to the Marquis of Aracaty.

Legation of the U. S. A.,
August 29, 1828.

The undersigned, chargé d'affaires of the United States, has the honor to address his excellency the Marquis of Aracaty, to ask of him if the information he has just received from very respectable authority is correct, that the preliminaries of peace have been signed. The frigate Macedonian has now been waiting several days only for this interesting event, which Commodore Biddle and the undersigned are naturally anxious to make known to their Government in an official manner. Should this desirable event have taken place, the undersigned tenders to his excellency his most cordial congratulations on such a felicitous occurrence, and repeats the assurances of his very high respect and consideration.

W. TUDOR.

[N. B. In answer to this note the minister sent Mr. Lisboa, head clerk of the Foreign Department, to say that the preliminaries were signed the preceding day; and on the day after the same gentleman came with a verbal answer to the private note respecting a conference, that it should take place as soon as the envoys from Buenos Ayres had gone, as his time was wholly occupied with various affairs relating to the treaty stipulations.]

No. 4.

Mr. Tudor to the Marquis of Aracaty.

Legation of the United States of America,
September 9, 1828.

The chargé d'affaires of the United States has the honor to address his excellency the Marquis of Aracaty, to inform him that the name of the American seaman detained in prison is *William Spinner*. This individual has now been upwards of four months in prison, for an offence committed in a state of mental derangement, and who, under all circumstances, has probably suffered as severe punishment as the case demanded. All efforts for his release have proved ineffectual. The consul, on applying to the police, is referred to the judge; and the judge refers him back to the police. If this man's fate depends upon the caprice of his accuser, he may perish in prison, and the sacred character of the laws be wholly perverted, since, instead of serving as a restraint on the passions of men, they become the means of their gratification. There appears to be no hope for this man, but in the humane interference of your excellency, and as both parties are foreigners, there can be no objection to its exercise.

The undersigned therefore hopes that your excellency will cause an inquiry to be made, and that this individual may be delivered over to the consul, who will send him on board the first vessel that sails for the United States.

The undersigned has not yet received the copies of the treaties, which he hopes will contain the English or French translations; but as he has been constantly indisposed since he had the honor to see his excellency, he would have been unable to enter upon the labor proposed.

The undersigned avails himself of the occasion to tender to his excellency the Marquis of Aracaty the assurances of his high respect and consideration.

W. TUDOR.

No. 5.

The Marquis of Aracaty to Mr. Tudor.

PALACIO DE RIO DE JANEIRO, *em* 11 *de Septembre,* 1828.

Accusando a recepção da nota que em 9 do corrente me passon o Sor. Guilhermo Tudor, encarregado de negocios dos Estados Unidos d'America, versando sobre o marinheiro da sua nação, Guilhermo Spinner, que se acha preso nesta corte, tenho a honra de participar lhe que immediatamente me dirigi ao Sor. Ministro da Justicia, de parte de sua Majestade o Imperador, recommendando lhe que se fizesse ao referido marinheiro a prompta justiça que sua Majestade Imperial dereja ver sempre distribuida aos lidadãos da união residentes neste imperio.

Por esta occasião, reitero ao Sor. Tudor os protestos da minha estima e consideração.

MARQUEZ DE ARACATY.

No. 6.

Mr. Tudor to the Marquis of Aracaty.

LEGATION OF THE UNITED STATES OF AMERICA,
September 12, 1828.

The undersigned, chargé d'affaires of the United States, has the honor to acknowledge the receipt of his excellency the Marquis of Aracaty's note respecting the imprisoned seaman, and has no doubt that justice will be done in the case of that unfortunate man. The undersigned also received the copies of the treaties from Mr. Lisboa, and is occupied in preparing the sketch proposed; but he cannot fail to remark to his excellency how much he is disheartened in this labor by what he hears from the agents of the claims, that they have not yet been able to settle a single one of the cases with the commissioners, and it is now a fortnight since the business was commenced. No treaty that he could sign would be submitted by the President to the Senate, unless these claims are settled. He, therefore, earnestly requests his excellency to give orders that every delay may be avoided in bringing these questions, so limited in extent, to a conclusion; and he renews to his excellency the Marquis of Aracaty the assurances of his high consideration and respect.

W. TUDOR.

No. 7.

Mr. Tudor to the Marquis of Aracaty and Sor. Miguel de Soura Melhoe Alvim.

LEGATION OF THE UNITED STATES OF AMERICA,
September 15, 1828.

The undersigned, chargé d'affaires of the United States, and their plenipotentiary for the formation of a treaty of friendship, commerce, and navigation, has now the honor to address their excellencies the Ministers of Foreign Affairs and of the Marine, the plenipotentiaries of his Imperial Majesty for the same purpose, and to submit to them the plan of a treaty conformably to their request in their late conference on the subject, and desirous to bring the negotiation to a conclusion as early as possible, he would have transmitted this *projet* sooner if he had not been a part of the time incapacitated by indisposition from laboring upon it.

The undersigned wishes to remark to their excellencies, that the enclosed plan is nearly an exact copy of the treaty between the United States and the republic of Central America. After examining the various treaties before him, he found none of them so perfect in their stipulations as that treaty; and as it was formed by the Secretary of State with the assisting counsels of the President, who has, perhaps, more experience on these subjects than any living statesman, it seemed to him useless to attempt any improvement of such a model. Besides, a treaty is not a literary effort, where variety might be required: the articles of this treaty above mentioned, have been already incorporated into several others with little or no variation; and it would, perhaps, be a fortunate event if one model could be adopted for all treaties between nations. In reading over this convention, it is impossible not to be struck with the extreme fairness and openness of its provisions; nothing is concealed or unequal, but the most perfect reciprocity and equality are studiously laid down with the wisest liberality; indeed, if it had been the work of the most impartial, upright, and enlightened arbitrator to form a system for the two parties, it could not be different from what it is.

The general good of mankind and the prosperity of every nation will be established whenever all Governments shall have the magnanimity to found their negotiations on such generous principles. It is grateful to perceive that they are making a progress, and they will receive a very important accession should a treaty of this description be formed between Brazil and the United States.

The only alteration made in the enclosed copy of the treaty referred to beyond those of a mere verbal nature, is in the 20th article, where, among the provisions to prevent neutral vessels suffering vexation and injury while examined by armed vessels at sea, it says that the boat sent to examine shall carry "only two or three men." Now it would be impossible for ships of war to follow this regulation, as they have no boat which is rowed with less than six men, and in most situations at sea no commander would trust a boat with a less number besides the officer; it has, therefore, been ordered to read, that the "smallest boat shall be sent."

In the conference before mentioned, their excellencies, in speaking of the commercial basis which contains the most free and perfect reciprocity, suggested that an exception with respect to Portugal should be introduced. The undersigned is directed by his instructions to object to this in the most decided manner, and he flatters himself that the objection will appear to their excellencies well founded; and that on reflection they will agree that such an exception is not required either by the interest or the obligations of Brazil, while it is not only injurious to the United States, but goes directly to vitiate the admirable principles of reciprocal liberality, which it will not only be mutually advantageous to establish, but which it is obvious will have a salutary influence for Brazil in her future negotiations with some European Powers, when in the course of a very few years the existing treaties with them will require renewal.

The exception in question is not made in the treaties with Austria or France, and yet the advantages held out by those Powers to the commerce of Brazil cannot be compared with those which are offered by the United States. It exists in the treaties between Brazil and England, and also in that with the Hanse Towns: in the former, as the Secretary of State remarks to the undersigned, a particular reason is stated for it, growing out of the peculiar relations between that country and Portugal, and which is not applicable to the United States. In the case of the Hanse Towns, as the reciprocity they had it in their power to offer to the commerce and navigation of Brazil was so extremely limited, it was natural that they should not have hesitated to accede to the stipulation. But these cities do not form a precedent for the United States. What comparison can be instituted between those cities, containing only their own three immediate ports, and the vast extent of populous coast extending from the Gulf of Mexico to the Bay of Fundy, which the United States offer to lay open to the flag of the empire of Brazil on a perfect equality with their own? The simple statement of this difference is so striking that it cannot be necessary to enlarge upon it.

The exception suggested will not be urged by their excellencies as regards Brazil itself, because, when the United States offer a free, unlimited participation of all their numerous ports to the commerce and navigation of this empire, on terms of the most absolute equality with their own, Brazil would not contend for a reserve that would be so unjust. As regards

Portugal, it will be observed that this question only embraces commerce; it does not interfere with the great variety of ways in which his Imperial Majesty may reward the individuals of that nation who are faithful and loyal in their duty towards him; and, at the present moment, when that country seems to have deviated into such strange perversity and ingratitude to his Imperial Majesty for his beneficent conduct towards them, and to such an astonishing disregard of the rights of their young and interesting Queen, they seem hardly entitled to the grant of any particular favors. Perhaps even as a matter of state policy it might be expedient to give them a lesson, that they cannot outrage Brazil with impunity; and if they choose to reject the good will of his Imperial Majesty, that all the present treaties, when they come to be renewed, will reject the existing stipulations in their favor. Without, however, dwelling on this topic, which the undersigned has merely touched incidentally, he only wishes to state the impolicy of an exception of this kind, which goes to vitiate the whole nature of the liberal system proposed: and the time assuredly is not remote when every nation will perceive that these partial stipulations, however well intended, only prove entangling and embarrassing eventually, as they give rise to a thousand points of jealousies and difficult adjustment, and of course entail on the part of other countries countervailing regulations.

The undersigned may here be allowed to allude to a great topic, which was mentioned in their conference, and which it is conceived should induce the plenipotentiaries of his Imperial Majesty to look at this negotiation with wide and prospective views. The United States, with a present population of twelve millions, actually offer one of the greatest markets of consumption in the world to the produce of Brazil: the habits of their population make many articles which are considered only luxuries in Europe, the necessaries of life with them, which are in daily use by all classes; and as this population is increasing with a rapidity hitherto unexampled, the fast-increasing produce of Brazil will meet with a growing market to consume it; and it is obvious how vastly extended and mutually beneficial the intercourse of two nations under such circumstances may become in the course of a single generation.

It seems evident that in establishing a liberal basis, Brazil will not only derive the advantages of reciprocity in commerce and navigation with a country so extended as the United States, but it will increase the strength of her position, when, at an early period, treaties with various European nations will require renewal, to insist with them on a reciprocity that does not now exist. The colonial system, still adhered to by some nations, is excessively injurious to all the States of this continent, and to none more so than to Brazil, on account of the nature of her products. Against this system the empire of Brazil has a natural ally in the United States, and their simultaneons resistance to it must finally induce its amelioration, and the abandonment of its injurious pretensions.

It is only necessary to add, further, that in the liberal principles proposed by the United States, and which have already been adopted by several Powers, they have avoided all narrow calculations of partial advantages, and have not been checked by any timid apprehension of injurious consequences; being satisfied on general grounds, that the more commerce (the great instrument of modern wealth and improvement) is left un-

shackled, the more its advantages will be felt. And as all treaties are limited to the short period of ten or twelve years, there will be sufficient time for an experiment; and if any unforeseen intolerable inconvenience should arise, it may then be remedied, and the statesmen of Brazil will doubtless be governed by the same considerations.

The undersigned avails himself of this occasion to beg their excellencies the plenipotentiaries to accept the assurances of his very high respect and consideration.

W. TUDOR.

No. 8.

The Marquis of Aracaty to Mr. Tudor.

Accusando a recepção da nota que em 12 do corrente me passon o Sor. Guilhermo Tudor, encarregado de negocios dos Estados Unidos d'America, tenho o praza de assegurar lhe que o Governo da sua Majestade o Imperador tem muito em vista os negocios de que trata, e feito as mais urgentes recommendações para que elles promptumente se conclúão ficando, assim plenamente satisfeitos os desejos manifestados na citada nota do Sor. Tudor a quesir, por esta occasião renovo os protestos da minha estima e consideração.

Palacio do Rio de Janeiro, em 16 de Septembre de 1828.

MARQUEZ DE ARACATY.

No. 9.

The Marquis of Aracaty to Mr. Tudor.

Sua Magestade o Imperador tem destinado o dia Sabbado, 20 o corriente mes, para o solemne encuramento da sessōa legislativa no corrente anno, no saio de Senado pelo meia dia; o que tenho a honra de communicar ao Sor. Guilhermo Tudor, encarregado de negocios dos Estados Unidos d'America, para que, querendo possa assistir aquelle acto na certera de que se acha prompter a competente tribuna para a recepção do corpo diplomatico.

Por esta occasião renovo ao Sor. Tudor os protestos da minha estima e consideração.

Palacio do Rio de Janeiro, 18 de Septembre de 1828.

MARQUEZ DE ARACATY.

No. 10.

The Marquis of Aracaty to Mr. Tudor.

Havendo o Governo de sua Magestade o Imperador mandado tomar as necessarias medidas de precaução para conserver esta capital livre do contagio da peste que se manifeston em Bucharest, e sendo hum dos meios mais officieres para aquelle fim o evitar todas as communicações com os havios que chegarem a este porto antes de serem visitados pelos officieres de sande, o abaixo assignado, do conselho de sua Magestade, Ministro e

Secretario de Estado dos Negocios Estrangeiros, recebeo ordem para se dirigir ao Sor. Guilhermo Tudor, encarregado dos negocios dos Estádos Unidos d'America, royando lhe que queria officiar ao commandante das forças ravaes da sua nação neste porto para que ordene aos seus escaderes que não a traquem as embarcações que entrar sem que primeriamente sejão desempedidas pela dita visita de sande.

Com este motivo, o abaixo assignado renova ao Sor. Tudor as expressões de sua estima y obsequio.

Palacio do Rio de Janeiro, em 19 de Septembre de 1828.

MARQUEZ DE ARACATY.

No. 11.

Mr. Tudor to the Plenipotentiaries.

LEGATION OF THE U. S. A.,
September 20, 1828.

The undersigned, chargé d'affaires of the United States, has the honor to address their excellencies the Ministers and Secretaries of State for Foreign Affairs and the Marine, and the plenipotentiaries of his Imperial Majesty, to offer some explanations and additions to his letter of the 15th instant, submitting to their consideration the plan of a treaty. In that letter he remarked that the exception in the commercial basis, in regard to Portugal, did not exist in the treaties with Austria and France. He is at a loss to account for such an inadvertency on his part, since the exception is really contained in them, and can only apologize for it by the state of indisposition which he was suffering at the time, and which almost rendered him unable to attend to that labor, but which his anxiety to avoid all unnecessary delay made him unwilling to defer. The fact, however, does not invalidate the argument upon that question. In examining all the treaties he has seen between the empire of Brazil and the European Powers, it is obvious how much jealousy and reserve on the part of the latter, with the exception of the Hanseatic cities, are contained in those treaties, either by partial stipulations respecting navigation, or in excluding from consumption various products of Brazil. The contrast exhibited by the United States is rendered the more striking in consequence. Here there is no reserve, no reluctant yielding of trammelled and imperfect intercourse; on the contrary, the most entire and unlimited liberality and reciprocity are spontaneously offered on every point of navigation and commerce.

These liberal principles must become eventually universal: several nations have already acceded to them, and when the circle is complete, then the agency of commerce on the prosperity and advancement of every country will be fully developed. As was remarked in a previous letter, their establishment by a treaty between Brazil and the United States will be a great step towards their general adoption.

The undersigned, wishing to bring under the consideration of their excellencies every thing that occurs to him on the subject of this treaty, wishes to suggest, in conformity with his instructions, an article to prevent its *unintentional* expiration, and, for this purpose, will propose a stipulation, which should form the first section of article 33, in the plan which he had the honor to enclose to them. The object of the following provision is so plain and convenient, that it requires no elucidation from him. He will only add that, in the plan referred to, twelve years was mentioned for the duration of the treaty, as a suitable period for a fair experiment; but if their excellencies would prefer ten years, that can be substituted.

"The present treaty shall be in force for twelve years from the date hereof, and further, until the end of one year after either of the contracting parties shall have given notice to the other of its intentions to terminate the same: each of the contracting parties reserving to itself the right of giving such notice to the other at the end of the said term of twelve years. And it is hereby agreed between them, that, on the expiration of one year after such notice shall have been received by either, from the other party, this treaty, in all the parts relating to commerce and navigation, shall altogether cease and determine; and in all those parts which relate to peace and friendship, it shall be permanently and perpetually binding on both Powers."

The undersigned avails himself of the occasion to tender to their excellencies the Secretaries of State and plenipotentiaries of his Imperial Majesty, the assurances of his very high respect and consideration.

W. TUDOR.

No. 12.

Mr. Tudor to the Marquis of Aracaty.

Legation of the U. S. A.,
September 21, 1828.

The undersigned, chargé d'affaires of the United States, has the honor to acknowledge the receipt of the note of his excellency the Marquis of Aracaty, Councillor, Minister, and Secretary of State for Foreign Affairs, dated the 19th instant, relative to the precautions deemed necessary on account of the plague having appeared at Bucharest, and his wish that the commander of the American squadron would give orders that no boat from his ships should board any vessels until after they have received the visit of the health-boat, shall be communicated to all ships of war of the United States as they arrive, and will be duly attended to; but at the present moment, there is no American ship of war in the bay.

The undersigned takes this opportunity to inform his excellency that a vessel is destined to sail for the United States on Sunday next, and to request that the commissioners may be directed to settle the cases before them the present week, that he may have the satisfaction of communicating this step to his Government. To convince his excellency of the importance of his request, he would mention that this information will arrive just at the time that the President is preparing his annual message to Congress, which contains an exposition of the affairs of the nation; and, as it is now more than three weeks since he communicated to his Government the appointment of this commission, they will naturally expect to hear the result; and if the President is able to state to Congress that the assurances of the Government of Brazil have been fulfilled, it will justify the amicable course taken by him, and terminate the clamorous and incessant efforts of those persons who are constantly striving to irritate the nation by blazoning the wrong that some of the citizens of the United States have received, and which they represent the Government of Brazil as being insincere in offering to repair. The sincere and friendly conduct pursued by the Government of the United States certainly claims from the Government of Brazil a speedy termination of the few points remaining unsettled, and the undersigned therefore hopes that his excellency will give directions to the commissioners to expedite the business before them, in respect to which not even a doubt has been suggested.

The undersigned renews to his excellency the Marquis of Aracaty the assurances of his very high respect and consideration.

W. TUDOR.

No. 13.

The Marquis of Aracaty to Mr. Tudor.

O abaixo assignado, do conselho de sua Majestade o Imperador, Ministro e Secretario de Estado dos Negocios Estrangeiros, accusa a recepção de duas notas em datas de 15 e 20 de Septembre, que o Sr. Guilhermo Tudor, encarregado de negocios dos Estados Unidos de America, lhe dirigia transmittuido com e primeria o projecto de tratado que deve concluir se entre os dois Estados, e a segunda contenida algunas explicaçoens e addiçoens ao dito tratado; e tem o abaixo assignado de communicar ao Sr. Tudor que mandon proceder a huma traduccão d'aquelles documentos, a qual logo que esteja concluida tera o gosto de lhe faser o necessario aviso para começarem os plenipotenciarios de sua Majestade o Imperador a conferenciarem e disentirem os artigos do mencionado tratado com o Sr. Tudor.

O abaixo assignado renova ao Sr. Tudor as expressoens do seu obsequio e consideração.

Palacio do Rio de Janeiro, em 23 de Septembre de 1828.

MARQUEZ DE ARACATY.

No. 14.

The Marquis of Aracaty to Mr. Tudor.

O abaixo assignado, conselho de sua Majestade o Imperador, Ministro e Secretario de Estado dos Negocios Estrangeiros, apressa se a communicar ao Sr. Guilhermo Tudor, encarregado de negocios dos Estados Unidos de America, que os plenipotenciarios de sua Majestade Imperial tem marcado o dia terça feira (30) de corrente mes pelas onze da manherá para alvirem com o Sr. Tudor as conferencias sobre o tratado que eleve convenceinar se entre os dos Estados; e que terão o gosto de reunirse com o Sr. Tudor na Secretaria de Estado dos Negocios Estrangeiros.

O abaixo assignado não perde esta occasião de renovar ao Sr. Tudor as expressoens de seu obsequio e consideração.

Palacio do Rio de Janeiro, 27 de Septembre de 1828.

MARQUEZ DE ARACATY.

No. 111.

Mr. Tudor to Mr. Clay.

LEGATION OF THE UNITED STATES OF AMERICA,
Rio de Janeiro, October 22, 1828.

SIR: Since my last letter of the 30th último, I have been engaged in prosecuting the negotiation of the treaty. Having been confined to the house by indisposition for some weeks, I was obliged to request the Brazilian plenipotentiaries to let our recent conferences take place at my residence. At the last one we had a long sitting, and finally passed upon all the articles; and, three days since, Mr. Lisboa called on me with the Portuguese copy for examination. After going over it twice I returned it with a slight amendment. It has now to be submitted to the Council, and after being passed there, nothing will be wanting but to make up fair copies for our signatures. If no alterations are made by the Council, I hope it will prove satisfactory to the President, though I have been obliged to admit the exception in favor of Portugal. This exception, however, which I found it in vain to resist, I am inclined to believe will have no effective operation. This topic, and all the others involved in the subject, I will dwell upon in detail when I have the honor to enclose to you the treaty, which I hope may be completely finished and signed by the end of the month.

Since my last I have received accounts of seven captures of American vessels. Two of these had been condemned, and appeal entered here; a third was under trial, and would doubtless share the same fate; one had been totally lost in a gale of wind, and no trial had taken place; one was detained, and no process instituted; the particulars of the others I have not yet received. The officers, naval and civil, on that station, seem to have made use of the last moments of the war to perpetrate all the mischief in their power during the short period that was left to them, and have conducted in the most reckless and wanton manner. I wrote to the Minister of Foreign Affairs, requesting him to give orders that the captured vessels should be delivered up now that the war was over, and which would save the necessity of paying some heavy additional demands. He sent Mr. Lisboa to me to say that things must take their course, and in fact admitted that any orders sent from here would be disregarded. Having received further particulars of some of these cases, where the property was clearly American, and the condemnations manifestly unjust, I wrote another letter, to urge the liberation of some of these vessels by an imperial order, as the property was still entire, and the most useless loss would thereby be prevented to this Government. I have had no answer to this last letter, and I suppose he thinks, as before, that it is in vain to send any orders of that kind. The commissioners on our claims are now making a progress in the cases before them. I think the charges they admit in the accounts are liberal, and they agree to settle the amounts on the same conditions with those stipulated for the French claims; and to this I have assented.

Lord Strangford arrived here last week in the Galatea frigate from England, and was yesterday publicly presented to the Emperor. He comes on a mediating mission from England between the Emperor and Don Miguel. I do not know what grounds have been taken by the English cabinet for this negotiation, as nothing has transpired on the subject. But conversing one day before his arrival with the Marquis of Aracaty, I remarked that, it seemed, the only way to get out of the difficulty would be to insist on Miguel's marrying the Queen, so as to preserve her rights and leave him on the throne. He replied, "And give up the constitution?" "Yes, as the majority of the Portuguese seem opposed or indifferent to it, and Miguel has the power in his hands." "That will never be agreed to." There seems little hope of maintaining the Emperor's liberal plans. Many emigrants from Portugal have recently arrived here.

I trust before this time that the Macedonian is safe at home. We are daily looking for the Hudson. If I can get the treaty concluded within a short period, I shall be very desirous to send it by the Boston, and I hope that the orders which may be received will admit of her returning, for which there is very urgent reason, as the time of her crew is fast expiring; upwards of twenty obtained their discharge last week, and the men are very uneasy. A very bad effect is produced on the seamen by not keeping the public faith with them; but the ships on this as well as the Pacific station are so tardily relieved, that in almost every instance a large number of men are obliged to be retained after their engagements have expired; so that all value of the regulation that was established is lost, and the seamen have no confidence in it.

There are at present here the French Admiral Roussin, with five or six vessels of war, and two British frigates, the English Admiral being at Bahia; these, with the Boston, are all the foreign vessels of war in the bay. The Brazilian seventy-four Don Pedro and some smaller vessels are at anchor, and most of their squadron from the Plate are daily expected.

I have the honor to be, with great respect,
Your most obedient servant,
W. TUDOR.

Hon. HENRY CLAY, *Secretary of State.*

No. 112.

Mr. Tudor to Mr. Clay.

LEGATION OF THE UNITED STATES OF AMERICA,
Rio de Janeiro, October 27, 1828.

SIR: Since my last I have received a note from the Minister of Foreign Affairs, communicating officially the ratification of the preliminaries of peace, (which are conformable to the copy I had the honor to send you in a former letter,) and also that the blockade had been raised.

The ratification of peace was received here coldly, because the vanity of the people is a good deal mortified by the result, after the enormous losses and expense that have been suffered for nothing. Taken by itself the peace is wise and honorable; but coupled with their former arrogant confidence and insolent pretensions, it is little satisfactory, as all their expectations of crushing Buenos Ayres have been disappointed. It shows wisdom and firmness in the present administration in putting an end to a calamitous war, which had no reasonable object, and which was the first step necessary to retrieve their disordered affairs, and to struggle successfully in repairing the extensive mischief which has been caused by the folly and mismanagement of their predecessors, and which had brought the empire into a very critical situation.

It escaped me to mention in my last letter that Mr. Odlin, consul at Bahia, (St. Salvador,) wrote to me that he had been called upon by the Governor of that province, in consequence of instructions from here, to show by what authority he acted as consul, and allowing him eight months for that purpose. The difficulty arises from his having been commissioned and acknowledged under the Government of the late King of Portugal in 1820, and his commission ought to be renewed under the existing Government. I wrote to the minister on the subject, and he requested me to make out a commission for Mr. Odlin. I therefore gave him a temporary commission, subject to the pleasure of the President, and wrote to Mr. Odlin that he should lose no time in sending to his friends to make application for a new one. The minister sent me the *exequatur* to my commission, which will serve to keep Mr. Odlin in the exercise of his functions till he can receive a new one from the President.

I have nothing to add, as no event of importance has occurred since my last. Respecting the negotiations of Lord Strangford, nothing has transpired. We are looking daily for the arrival of the Hudson.

I have the honor to be,
With very high respect,
Your most obedient servant,
W. TUDOR.

HON. HENRY CLAY,
Secretary of State, Washington.

No. 114.

Mr. Tudor to Mr. Clay.

LEGATION OF THE UNITED STATES OF AMERICA,
Rio Janeiro, December 6, 1828.

SIR: I have long wished to give you some account of the actual condition of this country, the policy of its Government, state of parties, and political prospects; but it is so difficult for a stranger to get at authentic information on many of these points, that I have hitherto refrained till I might be better prepared. It was my intention to become acquainted with some influential, well-informed persons, of different classes, to endeavor, from a comparison of their opinions, to give you some satisfactory statements, but a long continuance of indisposition has thwarted my intentions. I shall, however, now give you a sketch of some of these subjects, which it is unnecessary to say must be very imperfect, through want of sufficient facts on whose accuracy I can rely.

I may here be allowed to remark, in regard to my own conduct, that I thought it very essential to the success of the negotiations intrusted to me, that it should be conciliatory; and though I have been obliged to urge our claims very strongly, I have avoided making myself personally offensive to those with whom I had to treat. I hope it will be found that I have used all the energy in effecting a settlement consistent with the decorum which ought to accompany diplomatic intercourse; and if my progress, in spite of all my efforts, has been slow and as yet incomplete, I must in candor state my belief that it is not owing to a wish on the part of the administration to deny a settlement, but to the extreme embarrassment of their finances, to the immense demands urged simultaneously by various foreign nations, and to the anomalous operation of their Council of State.

My first meeting with the plenipotentiaries for the formation of a treaty took place at my residence; but owing to a mistake the Minister of Marine only came to dinner; but, on sending a message, the Minister of Foreign Affairs joined us. It being, however, late, they agreed to repeat the visit the next day, for the purpose of opening the negotiation. I took the opportunity to have a little general conversation in a frank and friendly tone. I began by complimenting them on the policy of terminating a useless and unfortunate war, and on the advantages of peace; that war was only justifiable in any American Power for the defence of national independence and honor; that the value of men and of land on this continent and that of Europe was reversed; and that in war, with respect to the *personnel*, we might be said to waste our principal, while they in Europe only dissipated their income; and on this topic of the impolicy and criminality of war, I have ventured to declaim on all proper occasions. I told them that I was too little acquainted with the affairs of Brazil to form an opinion, though on the subject of war its consequences were too manifest and disastrous to leave any doubt as to its absurdity; but that it seemed to me the Emperor had been unfortunate in making such frequent changes in his cabinet; that it was impossible for any men to put a system in operation who were in office for only a few months; that as they had come into power when the war had already produced great evils, and threatened greater, and had determined, in spite of every clamor, to put an end to it, I hoped they might remain in administration long enough at least to give their policy a fair trial.

We had some conversation on the character of the Emperor; they said he was remarkably liberal in his principles, which was the more extraordinary considering his birth and education; that the giving a constitution to Portugal was entirely his own doing; and when I asked if England had taken no part in it, they assured me that she had not; that the Emperor was quick and sagacious in understanding any measure proposed, and that he always replied, when the judgment of any one was cited, "Don't quote me the opinion of any person; show me the reasons, and, if I feel the force of them, I will agree to it." They added, that if he only possessed application, and would devote himself to business, he would be surpassed by no sovereign in his knowledge of affairs.

The Emperor is spoken of in very opposite terms by his friends and enemies: the latter hardly permit him to possess a single virtue, and the former are too much disposed to conceal his errors. It seems impossible, however, to deny that he showed the strongest affection for his father, and that he is extremely attached to his children and very careful of their education. In the first years of his marriage he was reputed to be a good husband, and if this conduct had been continued, many subsequent errors might have been avoided.

The late Empress sustained a pure and irreproachable character; but she was not well calculated to manage her husband; had too much sensibility and goodness, and perhaps too little animation, to maintain an influence which a woman of a different disposition might perhaps have preserved. Few persons deny that he is good-natured, and I believe none accuse him of any cruel or sanguinary action. He is very affable, rides about sometimes with only a single servant; though on the gala days at court he comes with splendid equipages, and there is a great deal of pomp and display; he is robust in person, and extremely active, being every day several hours on horseback.

The first part of his reign was extremely popular, and there were few intentional errors to reproach him with. The late war with Buenos Ayres was a beginning of misfortune; the national vanity was displayed with the highest presumption and arrogance, and a perfect confidence that they should annihilate their enemy almost without an effort; his flatterers held out that he and Napoleon were not only Emperors and brothers-in-law, but were in other respects alike; and when he made a visit to the army in the South, it was predicted that he would exhibit the march of a conqueror. For some reason he never even went to the headquarters of the army; and the signal failure of these absurd predictions of flattery had the further ill effect of exciting strong doubts of his personal courage. His connexion with the Marchioness of Santos, and his consequent indifference and unkind treatment of the Empress, has been, and may continue to be, the abundant source of many errors and misfortunes.

This personage has been now for some months at home, in the province of St. Paul's, in a kind of exile, and though her influence may not be wholly destroyed, it is probably greatly diminished. She is described as a voluptuous, good-natured woman, not very refined, and was calculated on that very account to be a successful rival to the late Empress. One of the greatest failings of which the Emperor is accused, and which is particularly unjustifiable in an hereditary sovereign, is avarice; and though he made his mistress large presents, they were not enough for her desires, and he conceded to her venal recommendations various important employments, pardons, &c. The price which this man paid for being named minister to a foreign court, or that one from being pardoned from a well-deserved sentence, is pretended to be stated with accuracy, so that all the scandal is spread among the public. By the Marchioness of Santos he had two children—the youngest died recently; the eldest was legitimated, and made Dutchess of Goyas, now about three years old. In addition to this connexion, he is very promiscuous, and, as Marmontel said of Marshal Saxe, not a little *grivois* in his amors. It is one of his misfortunes and dangers to have immediately about him a number of persons who are panders and parasites, and without any one of sufficient energy and character to tell him the truth. It is said, however, that he never confides any political secrets to these unworthy companions, though it is one of his amusements to pretend a confidence of this kind, to make them ridiculous.

One thousand *contos* are allowed the Emperor annually; and, as I am told he receives this in specie, in the present state of the currency the amount must be doubled. With this very liberal income, he executes no work of public utility or magnificence, but invests it in purchasing estates, in public funds, and probably, for the last year, in sustaining his adherents in Portugal and in exile. This topic will be made use of to excite disaffection; and I have lately seen in the newspapers an article declaiming against it with as much freedom as would be used in our country. I have stated these details in order to give an idea of the personal standing of the Emperor; because, in a monarchy so recently formed as this, much depends on the personal character of the sovereign. In general, the Portuguese have been much, and even servilely attached to their King, and the same feeling pervades this country, but it is rather declining than advancing, and in the course of events may be entirely destroyed.

Among parties here, the two extremes are the republicans and the absolutists. The first do not avow themselves so openly as the last; but I believe that the majority of the country really prefer a constitutional monarchy. If those who advise putting down the constitution should unfortunately make the attempt, though they might succeed for a moment, I am persuaded such an event would produce a revolution, and the triumph of the opposite party. I was assured some time ago, in very great confidence, that a plan was very far advanced in the latter part of the war, to effect a revolution, and divide the empire into three or four republics; and that much of the dissatisfaction which was expressed at the peace was secretly grounded on the disappointment it occasioned to those who were concerned in those schemes. I made some distant allusions to this subject to one or two foreign as well as Brazilian ministers, and was satisfied from their answers that such designs were known to be in contemplation, and one great inducement to make peace was to defeat them.

I am willing to own that, with all my attachment to republicanism in our country, with all the efforts I would make to sustain it in any country where it is already established, I would not, from my experience of South America, wish to see this monarchy overturned for the experiment of raising a republic in its stead. They are, perhaps, even less qualified for the experiment than the States of Spanish origin, and there is not one of these that is yet sufficiently secure to justify even a moderate confidence in its stability. This country in fact has had, like them, a succession of factions, but their destructive consequences have been in a great degree prevented by having a permanent chief in the Government. When instruction and the habits of elections and exercise of political rights shall have gradually improved the population, as it is in fact doing, and enabled it to understand and support a constitutional representative government, so as to bring the sovereign to be (as in England) a dignified pageant, a convenient, executive perpetuity, a mere key-stone to the arch, it is, in my opinion, all that can be rationally expected for Brazil, until the character of her population becomes very different.

A considerable progress is making in acquiring the knowledge and habit of political rights and duties. The electoral colleges which have recently chosen the deputies for the legislature of 1830, as well as the primary assemblies for electing these colleges, have, I am told, shown a great deal of attention to their duties and much firmness in resisting any irregularities or improper influence. The deputies chosen, it is said, will increase the majority in opposition both in numbers and talent, though, even in the present Chamber of Deputies, almost the whole are liberals, and have some able speakers. It is a sign too that the Emperor should not overlook, and which a wise and virtuous counsellor would know how to enforce, that every person who receives a title or a decoration from him becomes immediately suspected; and I have been assured that, in more than one instance, very honorable and liberal men recently lost their election on this account alone, though they were every way superior to their competitors.

It is a fortunate circumstance that the clergy have no political influence in this country, though the inhabitants have inherited much of the superstition of the Portuguese. The clergy are said to be very numerous and most deplorably vicious and profligate, more so even than their neighbors of Spanish origin. I have made the acquaintance of only one, and this but slightly, owing to my ill state of health. The archbishop of Bahia called to see me twice, but I was introduced to him only a short time previous to his departure for his province. He was the latter part of the late session President of the Chamber of Deputies. He is perhaps a little of a courtier, but is a respectable, moderate man. In the Chamber of Deputies there is a clergyman by the name of Feijoo, who is said to be a man of virtuous and enlightened character. He published an able pamphlet in support of a proposition he brought forward to allow the clergy to marry; but, as this would make them all citizens, Rome will never consent. The bishop of Rio Janeiro is a liberal man, at present out of favor with the Emperor, and being president of the electoral college, has recently been fined for some irregularity (which he denies) in making the returns. He was a strenuous supporter of the establishment of a Protestant chapel, and the English chaplain always has a plate at his table when he pleases. To calm some of the bigots who opposed this toleration, he said, "Let them have it; if denied, they will make a clamor and cry out persecution; but they (the English) have no religion; grant it, and it will come to nothing." His words are partly justified by the event: I went twice and found a very thin congregation, and none of the English of higher rank.

The two most prominent evils of this country are the state of its finances and a barbarous system of laws, accompanied by a notoriously corrupt administration of them. The Emperor has repeatedly called the attention of the Chambers to prepare a remedy for these evils; and on their last prorogation, his very brief speech contained only reproaches for their neglect of these matters. I do not quite understand the conduct of the liberal party in refusing to act on the latter especially. But they say, in excuse, that the design of the Emperor is insidious, that if he will go hand in hand with them, they are willing to enter on the reformation, but that the object is to make them undertake the task to destroy their popularity; that laying internal taxes would effectually do so; and as to the administration of justice, that much of the remedy depends on himself, but that if they assume it exclusively, the judges are very numerous and powerful; and though their practice is notoriously venal, spending large incomes with very trifling salaries, yet their power and influence would be combined successfully to ruin the reformers. In the mean time the country is suffering under a chaos of the most barbarous ancient laws: justice depends on the largest or the deepest chicane, and is subject to years of delay. This is a melancholy picture; the prosperity of the country can only be expected and their civil rights be secured, when the Crown and the Legislature unite their efforts to reform their present system of jurisprudence.

Portugal has long been considered one of the least civilized States of Europe, in spite of the enterprise and talent of many of its inhabitants. Brazil, suffering under a long course of colonial subserviency, was still worse. Yet Brazil, emancipated from the power of the monks, and having planted the institutions of education and free government, will, in the course of a generation, be probably far in advance of the mother country. But ancient habits and the confusion of the laws are the double causes of gross abuses of power by those who wield it, in all the provinces of the empire. The ill treatment which our citizens have in several instances received has been supposed by some to have been aimed particularly against us, but all other nations have experienced the same; nor is it confined to foreigners. The press is free, and many of the papers are constantly filled with a narration of abuses practised by persons in office against Brazilians of every class of the most outrageous description; and yet the authors too often escape punishment, owing to the horrible state of their judiciary.

Another evil arises from the formation of their Council of State, which it will be necessary to abolish or to modify before they can ever attain any regularity or true responsibility in their political administration. This Council of State hold their places for life; they are many of them rivals of the actual ministers and seeking for their places. All measures are submitted to them; they intervene between the Emperor and his ministers, and between both and the public; have no real responsibility, and can paralyze or defeat every measure of the administration. It is the mischievous operation of this Council which greatly enhances the difficulty, uncertainty, and delay of all negotiations with foreign ministers. If a privy council is thought expedient, it should be like that of England, where no member attends who is not friendly to the existing administration.

It has been sometimes asserted in the United States that this Government hates and despises us, on account of our republican institutions. I wholly disbelieve this; on the contrary, I believe that there is no nation which they regard with more respect and good will. This the Minister of Foreign Affairs told me was the feeling of the Emperor and of all the country. I know this may have been said as a mere courtierlike speech, and therefore do not found my opinion on that, but on other circumstances. They watch our conduct, study many of the details of our administration, and wish to imitate them as far as circumstances will permit.

The Marquis of Aracaty very lately told me, in confidence, that it was his wish, and the object of his policy, to cultivate the best understanding between the two countries, and to harmonize as far as practicable their views towards all other nations; that it was his plan, when he came into office, and peace was determined on, to ask the mediation of the United States, and thiswas proposed to the Council of State, but that the Minister of Colombia having offered the mediation of his country, which was declined, (I think wisely, as it would have been made wholly subservient to Bolivar's views,) they thought it would not do after that to resort to the United States, especially as the communication would require so much time. But he assured me that if the late mediation of England had not resulted successfully, it was his intention to appeal to the Government of the United States. Talking one day incidentally on this subject with Lord Ponsonby, he told me, "they respect you more than any other nation, because they fear you will strike."

From this very imperfect account, you may perhaps form some opinion of the future political prospects of Brazil. It would be easy for the Emperor to regain much of the popularity he has lost; and by acting in perfect good faith on the system of a constitutional representative monarchy, would leave the throne to his heirs. But in the present state of the world the action of sovereigns are closely watched, and if their conduct does not, on the whole, produce respect and good-will, their authority is very precarious. The attachment of the people to a free government is gaining strength and rapid growth, both from education and habit; they scrutinize the actions of men in power with more severity, and even those who give the preference to the monarchical form, would make its spirit and practice partake largely of republicanism. The termination of the war with Buenos Ayres has freed the imperial Government from very serious danger; its future security must greatly depend on the wisdom of the councils that direct it.

December 7th. The diplomatic corps received an accession, some weeks since, by the arrival of Lord Strangford as ambassador from England. The chief objects of his mission were to induce the Emperor to make a full and final abdication of all rights to the crown of Portugal, and to send the young Queen to Europe. As both these measures had been taken some time before his arrival, his mission is in a great degree useless. Before deciding on further steps with regard to Portugal, the Emperor, I believe, determines to wait for news from Europe: he calculates that there will be a reaction in Portugal, and that Don Miguel will be overthrown, and the Queen and the constitution established. He will not yield the latter point except from necessity. The present English administration will, I suppose, urge him to abandon it, and this advice will be reiterated by Austria, through her minister, Baron Marechal, who is personally intimate with the Emperor. Baron Marechal, indeed, told me from the beginning, that with regard to the affairs of Portugal, he saw no mode but the marriage of the uncle and niece, and giving up the constitution, to get out of the difficulty; that the right of the Emperor to impose that constitution might be fully denied, and even his right of assigning the crown to his daughter had been made a question. If the Queen had been sent a year sooner, which her father was strongly advised to do, but which his reluctance to part with her prevented, all the difficulty might have been avoided. The apostolicals have great influence in Portugal, but the constitutional party was so easily overthrown because they had no head, nothing to attract the homage of the people; and, besides, one great cause of enmity to the constitution was, that it came from Brazil; the national vanity was deeply mortified at receiving a form of government from a colony which they had held in contempt.

Lord Ponsonby has been urging the English claims with earnestness. As both English and Americans have been the victims of Admiral Pinte Guedez, whose conduct at the conclusion of the war has been particularly outrageous, we have acted with a mutual understanding against this personage. He is recalled, and the present ministry would be very glad to have him put down, but it is to be feared his influence with the Emperor will sustain him, and even bring him into the ministry for the Marine Department, which, in that case, will greatly aggravate the difficulty of settling the claims, as his interest is deeply opposed to it, and though no seaman, he has a good deal of skill in his profession, which is that of the law. A very angry correspondence has taken place in consequence of the recapture of a British brig by the Tribune frigate, which the Brazilian admiral was sending here, after taking out part of her cargo. She had been condemned in the admiral's mock court, about as respectable as those of Victor Hugo, and an appeal was entered here. The English contend, justly, that the vessel could not be removed without an order of the court here, to which an appeal was made, and under whose jurisdiction she was. I was told that Lord Strangford said to Lord Ponsonby, "I would ask them to take these letters back—that there must be some mistake, which I do not wish to take advantage of—such expressions could not have been intended," &c. But Lord Ponsonby laughs, and is contented with maintaining his ground, and urging his demands. The Emperor has made a decree commanding the officer who had her under convoy to be arrested and tried by a court martial for not defending her; but being an Englishman, had he killed any of his countrymen he would have been in a more dangerous situation. The treatment of the English at the Plate, just at the close of the war, was, if possible, worse than ours. I mention these facts more particularly to throw some light on the singular character of these people, and to show that the jealous irritability of some Americans, founded on the presumption that we are obnoxious as republicans, is erroneous. Who would not suppose that the English would be treated with particular regard, considering the very intimate and peculiar relations existing between the two countries? In the insurrection in May last, a corps of English marines protected the Emperor's personal safety at the palace, and he conferred on Admiral Otway one of the chief decorations of his orders—the late peace was brought about by their mediation—the situation of the Queen of Portugal in England, &c. And yet the English have been worse treated than ourselves; and their losses are probably not less than sixteen times the amount of ours.

Since the departure of the Marquis de Gabriac, his secretary of legation has been chargé d'affaires; their claims go on very slowly, and a conclusion seems as distant as ever. The Danish and Dutch ministers remain; but both will leave in the course of two or three months. They were sent here to make treaties; and, on their departure, a consul general will act as chargé d'affaires. A Russian minister is appointed, and is expected in two or three months. The connexion of this Court with Portugal, and the object of making commercial treaties, have occasioned a fuller diplomatic representation than will probably be hereafter maintained.

The Boston has been sent on a cruise to the northward. Com. Creighton having asked my opinion which direction would be best, I advised that he might inquire at Bahia the particulars respecting a pirate which robbed an American schooner off that place of $20,000 in October, as Admiral Otway informed me. We have also heard of another pirate in 40° north. I beg leave to reiterate my hopes that some efforts will be made to send out vessels to cruise on this coast and that of Africa and the vicinity of the line, in pursuit of pirates. I much fear, if every nation does not send a squadron for this purpose, that this quarter will become the theatre of most extensive and frightful piracy. Lord Ponsonby and Admiral Otway both have agreed with me in opinion, and will write to their Government. From Buenos Ayres they can sail under pretence of cruising against Spain, and here in pursuit of slaves; and many desperate mercenaries are now without resource, ready to engage in this business. The present headquarters of piracy are in Cuba; and some Spaniards are found on board all these piratical cruisers. The Spaniards seem now to retaliate on the world the conduct of the bucaniers. As ruffians of all countries made war on their commerce when they had almost a monopoly of South America, now that they are driven from it, they plunder those who have succeeded to its commerce.

I have the honor to be, with high respect, &c.

W. TUDOR.

To the honorable Henry Clay,
Secretary of State, Washington.

No. 115.

Mr. Tudor to Mr. Clay.

Legation of the U. S. A., *December* 11, 1828.

Sir: I have the honor to enclose duplicates of my correspondence with this Government between September 30th and November 18th.

Commodore Creighton having at my request given Lieutenant Brown, of the Boston, leave to return, I shall make him the bearer, as I hope, of the treaty I have negotiated with the Emperor's plenipotentiaries. At least I am promised that it shall be signed the day after to-morrow. I have been very urgent to get this effected to reach Washington in time to be acted upon the present session. I shall accompany it with other despatches, and the requisite explanations. At the same time I shall request you to offer my resignation to the President. It is impossible for me to resist much longer the debilitating effects of these tropical climes. I have been ill the greater part of the last three months, and the hot season is just now commencing. I shall solicit most earnestly that the President will give me permission to return next April.

Lieutenant Brown has taken passage in the ship New Orleans, bound to New York. She is a fast-sailing vessel, and will leave here the 14th instant, and I hope he will reach Washington by the first of February. The extreme pressure of writing which falls upon me at this moment prevents my doing more than communicate the above intelligence by the vessel.

I have the honor to be, with high respect,
Your most obedient servant,

W. TUDOR.

Hon. Henry Clay,
Secretary of State, Washington.

List of the following documents, from September 30th to November 18th, inclusive.

No. 1. Letter from the Marquis of Aracaty, enclosing an extract of a despatch from the Minister of Marine, mentioning that a Brazilian vessel of war had brought from the coast of Africa Captain Churchill, late of the brig Paragon, whose vessel had been taken by pirates, and also a quantity of ivory, his property, in the same ship of war.

No. 2. Answer, acknowledging the favor described in the preceding letter.

No. 3. Note to the Marquis of Aracaty, sending an excuse for not going to Court to-morrow, (the Emperor's birthday,) owing to indisposition, having been prevented by the same cause attending the previous levee on the anniversary of independence.

No. 4. Letter respecting the commission of Mr. Odlin, consul at Bahia, which he had received an intimation was irregular, and enclosing an account of some recent captures in the river Plate, and requesting that they might be ordered to be given up.

No. 5. Letter to the Marquis of Aracaty, enclosing a temporary commission for Mr. Odlin, as requested, and asking for an *exequatur*.

No. 6. Note from the Marquis of Aracaty, enclosing the *exequatur* for Mr. Odlin.

No. 7. Letter to the Marquis of Aracaty, remonstrating on recent outrages against American citizens and property, and requesting the immediate interference of this Government for the restoration of certain vessels and cargoes.

No. 8. Note to Mr. Lisboa, enclosing fees for the *exequatur* to the consul at Bahia, and requesting information respecting the preparation of the copy of the treaty.

No. 9. Note to Mr. Lisboa, returning the draught of the treaty in Portuguese, which he had left with him the day before, and suggesting a slight alteration.

No. 10. Note from the Marquis of Aracaty, communicating officially the ratification of the preliminaries, and the raising of the blockade ; and also a second note, received at the same time, being an invitation to the levee to be held by the Emperor in consequence.

No. 11. Note to the Marquis of Aracaty, acknowledging receipt of the two previous notes, and excusing myself from attending the levee on account of indisposition.

No. 12. Letter to the Marquis of Aracaty, requesting the delivery of twenty American seamen detained as prisoners of war.

No. 13. Answer to the preceding, agreeing to deliver the seamen.

No. 14. Copy of the settlement of the case of the brig Sarah George, Captain Gordon, as agreed to by the commissioners of the Government of Brazil and the agent of the claim.

No. 15. Note from the Marquis of Aracaty, respecting some increased precautions in visiting vessels on account of the plague having appeared in various ports of the Mediterranean.

No. 16. Answer to the preceding, and communicating to the minister that, as the seamen, prisoners of war, requested in a former letter to be given up, declined returning home, the consul would not be answerable for claims against them.

No. 17. Letter to the Marquis of Aracaty, enclosing a memorial addressed to the custom-house, unsuccessfully, respecting the demand of the old duties on certain American merchandise after the new law for their equalization was in force, and requesting that relief might be given in the case.

No. 18. Note from the Marquis of Aracaty in answer to the preceding, stating that he had transmitted the memorial of Messrs. J. Birckhead & Co. to the Minister of the Treasury.

No. 19. Letter from the Marquis of Aracaty, making a more particular answer to my notes of August 24th and 19th of October, to which he had before sent a verbal answer by Mr. Lisboa.

No. 20. Reply to the preceding letter, entering into further explanations respecting the late condemnations at Montevideo, and urging the speedy settlement of the remaining claims.

No. 1.

The Marquis of Aracaty to Mr. Tudor.

Palacio do Rio de Janeiro,
30 de Septembre de 1828.

Tenho o gosto de transmittir para conhecimento do Sor. Guilhermo Tudor, encarregado de negocios dos Estados Unidos d'America, a copia inclusa de um aviso do Ministro e Secretario de Estado dos Negocios da Marinha relatando o que a contecera a Benjamin K. Chincey, [Churchill,] que fora transportado para esta corte da costa d'Africa abordo de escuna Brasileira Ismenia; e posso assegurar ao Sor. Tudor que senti grande satisfação em que um navio Brasileiro tivesse occasião de facer um cuidadão dos Estados Unidos o servigo constante da dita copia. Renovo ao Sor Tudor as expressoens da minha perfeita estima e consideração.

MARQUEZ DO ARACATY.

[Included in the preceding.]

Illmo. e Exmo. Sor: Havendo o commandante da divisão da costa de este mandado de passagem para esta corte abordo do brigue escuna Ismenia, que entron hontem neste porto, o Americano Benjamin K. Chincey, [Churchill,] capitão do brigue da mesma nação, Paragon de Boston, que foi roubado no dia 17 de Agosto ultimo, estando suito em Loango a negociar em marfim per um dos piratas que infestam aquella costa, enviando o dito commandante na mesma occasião cento sessenta e nove dentes de marfim, pertenecentes ao referido Americano, debaixo da condicão de que esta pagana aqui tidose quaesquer dereitos que se lhe exigissem, submettendo se a tem desso a qualquer outra determinação do Imperial Governo; tenho delévar isto mismo ao conhecimento de V. Exa. para que desta communicação faça o uso que julgar conveniente. Deus guarde á V. E. Paço, em 27 de Septembre de 1828.

MIGUEL DE SOURA MELHOE ALVIM.
MARQUEZ DO ARACATY.

Esta conforme: Bente da Silva Lisboa.

No. 2.

Mr. Tudor to the Marquis of Aracaty.

Legation of the United States,
September 30, 1828.

The undersigned, chargé d'affaires of the United States, has the honor to acknowledge the reception of the note dated this day, of his excellency the Marquis of Aracaty, Councillor, Minister, and Secretary of State for Foreign Affairs, enclosing an extract from a despatch of his excellency the Minister of Marine, mentioning the arrival here, in a Brazilian vessel of war, of an unfortunate American captain, who had been robbed by pirates on the coast of Africa, and who had been allowed a passage in the Ismenia, with his remaining property. It is particularly grateful to the undersigned to return his thanks for this act of courtesy and humanity towards an American citizen, which he will not fail to communicate to his Government. The undersigned requests his excellency the Marquis to receive the renewed assurances of his high respect and consideration.

W. TUDOR.

No. 3.

Mr. Tudor to the Marquis of Aracaty.

Legation of the U. S. A.,
October 11, 1828.

The undersigned, chargé d'affaires of the United States of America, has the honor to address his excellency the Marquis of Aracaty, Councillor, Minister, and Secretary of State for Foreign Affairs, to express his regrets that his continued indisposition will prevent his having the honor of paying his respects at Court to-morrow. He requests his excellency to do him the favor to offer to his Imperial Majesty the homages of his respectful congratulations on the anniversary of to-morrow, and his fervent wishes that his Imperial Majesty may enjoy a long and happy succession of this auspicious anniversary.

The undersigned avails himself of this opportunity to repeat to his excellency the assurances of his high respect and consideration.

W. TUDOR.

No. 4.

Mr. Tudor to the Marquis of Aracaty.

Legation of the U. S. A.,
October 13, 1828.

The undersigned, chargé d'affaires of the United States of America, has the honor to address his excellency the Marquis of Aracaty, Councillor, Minister, and Secretary of State for Foreign Affairs, on the subject of communications he has recently received from the consuls of the United States at St. Salvador and Montevideo. The former of these gentlemen writes that he has received a note from the President of that province, calling on him to show the authority by which he acts as consul of the United States, and marking the term of eight months for this purpose. It appears that Mr. Odlin, the consul at Bahia, was appointed to that place in 1820, and that his commission was forwarded to the department of Foreign Affairs, and was never returned to him, but he was duly authorized to exercise the duties of his office. There is no doubt, as that *exequatur* was granted by a different Government that Mr. Odlin's commission should be renewed for the purpose of receiving an *exequatur* from the Government of his Imperial Majesty. The undersigned will write to Mr. Odlin to lose no time in making an application to his Government for a new commission; and, until this can be received, he requests his excellency the Marquis of Aracaty to give orders that he may continue to be accredited in the exercise of his functions, as he is undoubtedly considered by the Government of the United States as their consul, and that his commission will be renewed as soon as the application is received.

The undersigned deeply regrets to state, that the letter from the consul at Montevideo enumerates the cases of *seven* American vessels recently condemned, or under detention and trial. Those condemned are—the *schooner Joseph Meade,* of Boston; *schooner Tell-tale,* of New York; and the *schooner Hannah,* of New York. The *schooner Francis,* of Salem, was detained, and no proceedings instituted. The *brig Budget,* of Baltimore, was under trial. The *brig President Adams,* of Baltimore, captured and carried into Montevideo, where she was totally lost on the 27th of August. The *schooner Adams,* of Gloucester, had her register endorsed off the Salado, and on her passage to Montevideo was captured, and was under detention, though it was thought she would be liberated.

So far as the undersigned is at present informed with respect to the above cases, not one of them could be justly condemned; but he expects to receive more particular statements by the Boston sloop of war, which was to sail from Montevideo the day after the ratification should be received. In the mean time, the prosecutions against these neutral vessels appeared to be urged with a zeal that was not at all relaxed by the news of the termination of the war, and that all hostilities were on the eve of ceasing. The undersigned most truly regrets the painful prospect of being obliged to urge new claims on account of these captures, and he entreats his excellency the Marquis of Aracaty to transmit orders to Montevideo that a stop may be put to these proceedings, and that accumulated complaints may not arise from the condemnation of neutral vessels, after the war against enemies is ended.

The undersigned begs the Marquis of Aracaty to accept the assurances of his high respect and consideration.

W. TUDOR.

No. 5.

Mr. Tudor to the Marquis of Aracaty.

Legation of the United States of America,
October 16, 1828.

The undersigned, chargé d'affaires of the United States, has the honor to enclose to his excellency the Marquis of Aracaty, Councillor, Minister, and Secretary of State for Foreign Affairs, a temporary commission for the consul at St. Salvador, in conformity with the suggestion of his excellency, as delivered to him by Mr. Lisboa yesterday. He therefore requests his excellency to attach to this commission the necessary authorization to make it effective, and he will then transmit it to the consul by the first opportunity. In the mean time he will write to his Government on the subject, and a new commission will, without doubt, be given to him by the President of the United States.

The undersigned avails himself of this occasion to repeat to his excellency the Marquis of Aracaty the assurances of his high respect and consideration.

W. TUDOR.

No. 6.

The Marquis of Aracaty to Mr. Tudor.

O abaixo assignado, do conselho de sua Magestade o Imperador, Ministro e Secretario d'Estado dos Negocios Estrangeiros, accusa a recepcão da nota de Sor. Guilhermo Tudor, encarregado de negocios dos Estados Unidos d'America, e tem de transmittir lhe em resposta a inclusa nomeação para poder Woodbridge Odlin servir interitamente de consul da sua nação na Bahia de Todos os Santos, até a presentar a respectivo patente de Presidente dos Estados Unidos.

O abaixa assignado renova ao Sor. Guilhermo Tudor as expressoens do seu obsequio e consideração.

Palacio do Rio de Janeiro, 18 de Octobre de 1828.

MARQUEZ DO ARACATY.

No. 7.

Mr. Tudor to the Marquis of Aracaty.

Legation of the United States of America,
October 19, 1828.

The undersigned, chargé d'affaires of the United States, has the honor to acknowledge the reception of the note of his excellency the Marquis of Aracaty, Councillor, Minister, and Secretary of State for Foreign

Affairs, enclosing the authority for Mr. Odlin to act as consul at Bahia, until his commission can be regularly renewed by his Government.

The undersigned, with the pain which he always feels when obliged to make complaints to his excellency of wrongs done to his countrymen by Brazilian officers, is compelled, by a sense of imperative duty, as well as by a sincere wish to prevent accumulated losses to the Imperial Government, to ask its immediate attention to some very pressing cases, where a timely interference may yet avert the addition of new and heavy demands for unjust condemnations of American property. He deeply regrets to state, that by all the representations he has received, it appears that the last moments of the war (when it was known that it must speedily terminate) were signalized by a series of acts of the most wanton and reckless description, in the seizure and condemnation of property, in outrageous and inexcusable violence by officers in the Brazilian service, with a disregard of consequences that excites the most indignant surprise.

The cases for which the undersigned particularly wishes to request the interference of your excellency that his Imperial Majesty's orders for the restoration of the property may be given to prevent the most useless losses, are the following: The schooner Tell-tale, of New York, Captain Hinman, taken just above Montevideo and condemned: appeal entered to the supreme tribunal here. This was the vessel in which the brutal, horrible outrage was pratised by the soldiers on the steward, the atrocity of which is increased by circumstances that have since been made known. This fact was alluded to by the undersigned in his despatch of August 28th, and which was answered by your excellency that orders had been given to send the offenders to this place for examination. The schooner Hannah, of New York, taken in nearly the same situation; also condemned, and appeal entered here. Both these vessels sailed from the United States in the full belief, which there was sufficient reason to entertain, that the war would be over before they reached the river Plate. They were cleared for Buenos Ayres, and so strongly was it believed that the war would be ended, that the former vessel had despatches on board from the Government of the United States for their chargé d'affaires in that city. Both these vessels are indubitably American property, and both had the most positive orders not to attempt to violate the blockade. The first warning they received of the continuance of the war was their capture; and, contrary to the general expectation, they were condemned, on pretexts so palpably false and absurd, that it does little honor to those who could make or to the court which could act upon them. The officers and crews of these vessels were robbed of their clothes, &c., and those of the former were thrown into a dungeon and treated like the worst of criminals, though they were peaceable and unoffending citizens of a friendly nation. It is a sickening task to repeat such complaints as these; but it is truly astonishing, in the present situation of affairs, after the assurances that have been given by the Imperial Government, (and the sincerity, as the undersigned believes, of those assurances, though that will be estimated by his Government by the manner in which such occurrences as these shall be treated,) that any subaltern officers should dare commit such flagrant acts of injustice and barbarity.

A third case is that of the schooner Francis, detained at Montevideo upwards of two months at the last accounts, and so little pretence was there for her capture, that no process had been commenced against her; but still she was detained with a *perishing* cargo, and which, if not released before this time, is probably wholly destroyed, and will be another total loss to be claimed of the Government of Brazil. Besides these, the brig Budget was under trial, and, looking at the result of the preceding cases, will probably be condemned, although unjustly; and, in that event, will form another claim against the Imperial Government.

The captains and supercargoes of the Tell-tale and the Hannah are now here with all the documents. The cargoes and vessels are yet entire, except some pilfering; and if his Imperial Majesty would give an order for their restitution, these persons would go back to Montevideo to receive them, and thus considerable additional claims might be avoided. If the papers were handed to Dr. Bivar, he would in a short time see the whole of the facts, and would unquestionably agree in the opinions respecting them which the undersigned has here stated. If such an examination and result should take place, surely the Imperial Government would not hesitate to order restitution, which every Government has the power to do where captures have been made by their own officers, and under such circumstances as the present. But to make even this high interference useful, it is requisite that no delay should take place. The undersigned suggests it with the greatest respect, with the sincere desire to lessen the demands which it is his painful duty to urge on the consideration of the Imperial Government. There are besides, three or four other recent cases which the same reasons do not render it necessary to submit to your excellency's immediate attention, but which will be brought forward, in company with all the other cases in the knowledge of the undersigned, at an early day. An American vessel also, (together with an English one,) the particulars of which are not yet received, was burnt just before the cessation of hostilities, on the bar of the Salado, which place has been for months without any blockade. In short, if credence can be given to numerous and well-attested statements, it would really appear that many of the officers in the Brazilian service seemed resolved to make the utmost use of the last moments of a war whose conclusion was at hand, to commit as much mischief and violence as possible, during the short period that was left to them.

The undersigned requests his excellency the Marquis of Aracaty to receive the assurances of his very high respect and consideration.

W. TUDOR.

No. 8.

Mr. Tudor to Mr. Lisboa.

LEGATION OF THE U. S. OF AMERICA,
October 19, 1828.

The chargé d'affaires of the United States presents his compliments to the honorable Mr. Lisboa, and encloses the amount of fees for the *secretario* in the case of Mr. Odlin's commission, which he requests him to have the kindness to deliver to the proper officer. He also wishes to inquire of Mr. Lisboa if the preparation of the minutes of the treaty is nearly concluded, as he hopes that circumstances will admit of the sailing of the Boston sloop of war at the end of this month, by which he wishes, if the negotiation can be completed, to send a copy of the treaty.

The undersigned begs the honorable Mr. Lisboa to receive the assurances of his high esteem and consideration.

W. TUDOR.

No. 9.

Mr. Tudor to Mr. Lisboa.

LEGATION OF THE U. S. OF AMERICA,
October 21, 1828.

The undersigned, chargé d'affaires of the United States, has the honor to return to the honorable Mr. Lisboa the draught of the treaty. He has gone through it twice, and, as far as his imperfect knowledge of the language extends, does not perceive any thing to amend, with one exception, however, which is in the addition to the fourth article, that contains the stipulation in favor of Brazil vessels. As this is an important deviation from the usual strict principles adopted by nations in their stipulations respecting navigation, he wishes that some more direct expression should be inserted, to show that the exception is not meant to be perpetual. The articles in the French and English treaties particularly express this idea, and this ought to be assimilated to them. It may be sufficient for the purpose to add, after the words "*em vista attender,*" these words, *in the actual circumstances;* and after the words "*considerado navio Brasileiro,*" these words, *for the present.* This will make it correspond with the same stipulation in other treaties, and will secure the object during the existence of the present treaty. As the undersigned is confined at home by indisposition, he would be glad, whenever it is convenient to Mr. Lisboa, if he would call on him to look over the English side of the treaty, to ascertain that the alterations correspond with those in the Portuguese language. He avails himself of this occasion to tender to the honorable Mr. Lisboa the assurances of his very great esteem and consideration.

W. TUDOR.

No. 10.

The Marquis of Aracaty to Mr. Tudor.

Havendo sido ratificado tante por sua Majestade o Imperador, como pelo Governo da Republica dos Provincios Unidos de Rio da Plata a convençaõ preliminar de paz que foi assignado nesta corte aos 27 de Agosto do corrente anno, pelos respectivos plenipotenciarios, o abaixo assignado, do conselho de sua Magestade o Imperador, Ministro e Secretario d'Estado dos Negocios Estrangeiros, se apressa em participar ao Sor. Guilhermo Tudor, encarregado de negocios dos Estados Unidos da America, tua grata noticia para seu devido conhecimento e do seu Governo; e que, em consequencia, se acha levantado o bloquezo que era feita pela esquadra Brazileira no Rio da Plata. O abaixo assignado renova ao Sor. Guilhermo Tudor as expressoens de sua perfeita estima e veneração.

Palacio do Rio de Janeiro, em 24 de Octobre de 1828.

MARQUEZ DO ARACATY.

[*Memorandum.*—With this came another note, inviting to a levee which the Emperor would hold to-morrow in consequence of this event.]

No. 11.

Mr. Tudor to the Marquis of Aracaty.

LEGATION OF THE U. S. A.,
October 24, 1828.

The undersigned, chargé d'affaires of the United States, has the honor to acknowledge the reception of two notes of this date from his excellency the Marquis of Aracaty, Councillor, Minister, and Secretary of State for Foreign Affairs, the one communicating to him officially the happy intelligence of the ratification of the preliminaries of peace between the empire of Brazil and the Government of Buenos Ayres, and the other inviting him to the levee which his Imperial Majesty will hold to-morrow, to receive congratulations on this auspicious event. The undersigned regrets most particularly that the illness which has confined him to the house for a month past, and still prevents his going out, will deprive him of the satisfaction of offering his felicitations personally; and he, therefore, solicits his excellency the Marquis of Aracaty to do him the honor to tender to his Imperial Majesty his very respectful and sincere compliments on this most wise and honorable conclusion of the war; and with the expression of his most fervent hope that no obstacle will now interfere to prevent the rapid development of the growth and prosperity of his empire, under the beneficent influence of peace.

The undersigned avails himself of the occasion to felicitate his excellency the Marquis of Aracaty on the sound policy which has directed his administration, and on its fortunate result; and begs him to accept the assurances of his very high respect and consideration.

W. TUDOR.

No. 12.

Mr. Tudor to the Marquis of Aracaty.

LEGATION OF THE UNITED STATES OF AMERICA,
November 2, 1828.

The undersigned, chargé d'affaires of the United States, has the honor to address his excellency the Marquis of Aracaty, Councillor, Minister, and Secretary of State for Foreign Affairs, to request that certain American seamen, detained as prisoners of war in Fort ——, may be delivered over to the commander of the United States ship Boston, whose commander is ready to receive them and carry them home. There are twenty of these men whose names are the following: Samuel Beale, Samuel Anderson, John Dixon, John Reed, William Lloyd, George Brown, John Wentworth, Henry Williams, George Green, Thomas Halfpenny, Robert Harding, Charles Allen, William Thomas, Charles Higgins, John White, Francis Rogers, Samuel Brown, Robert Guild, John Stewart, George Franklin. The commander of the Boston will either send for these individuals or receive them on board if sent from the fort, as may be preferred.

The case of these men was mentioned to your excellency by the undersigned, (though more generally,) at the period when the preliminaries were signed, in the hope that they might then have been liberated and sent home in the Macedonian. As peace has now been formally declared, and the captives of war set at liberty, the undersigned hopes that these unfortunate seamen, either seduced by others or forced by the necessities of their situation to enter a foreign service, may be restored to their country.

The undersigned avails himself of the occasion to offer to his excellency the Marquis of Aracaty the assurances, &c.

W. TUDOR.

No. 13.

The Marquis of Aracaty to Mr. Tudor.

Accuso a recepção da nota que em 2 do corrente me dirigio o Sen. Guilhermo Tudor, encarregado de negocios dos Estados Unidos d'America, pedindo que seja permettido que abordo da corveta Boston se transportem os individuos de sua nação que forão aprisionados em serviço de Buenos Ayres, na guerra que felismente acaba de concluir se entre este imperio e aquella republica, e tenho de significar ao Sor. Tudor que sua Magistade o Imperador honre por bem annuir a sua requisição huma ver que aquelles individuos se prestan voluntariamente a seguir aquelle destino e que tenhão cumprido o determinado na convenção preliminar de paz, artigo 16mo respetivo consul por elles se responsabilize para cuyo effeito se expediram as ordens convenientes ao Ministro e Secretario d'Estado dos Negocios da Guerra.

Por este motivo, renovo ao Sor. Guilhermo Tudor as expressoens do meu obsequio e consideração.

Palacio do Rio de Janeiro, 5 de Novembre de 1828.

MARQUEZ DO ARACATY.

No. 14.

Settlement of the case of the Sarah George.

O abaixo assignado, commissarios do Governo do Brazil, por hum parte, e o reclamente do brique Americano, Sarah George, e de sua carga, por outra parte, representado pelo Sor. W. D. C. Wright, devidamente auto-

risado para este effeito pelo Sor. Guilhermo Tudor, encarregado de negocios dos Estados Unidos d'America nesta corte, em consecuencia de sus respectivos poderes, e instrucçoẽs, para havarem de liquidar os perdas, damnos, e lueros cessantes motivados pelo apresamente do referido brique Sarah George, Captain M. S. Gordon, tem convencionado e ajustado a referida liquidação pela maneira seguinte ; a saber :

Quanto ao Navio.

Pelo valor do caseo seus a parelhos, e pertences segundo a estimação dada (bona fide) pesos fortes	$11,000
Pelo freite, na conformidade da carta portida e conhecimento	3,000
Pelas soldadas, segundo a lista da equipagem (bona fide)	1,923
Pelas comedorias por arbitração	400
Por ditas de Capt. Gordon, idem	200
Por desperas do consulado e justiça	66
Por indemnisação de gastos extraordinarios por arbitração	411
São pesos fortes des e sete mil - Pesos,	17,000

Quanta a Carga.

Pelo que deveria produsir no Rio de Janeiro, porto do destino	9,458,040
São nove contos quatro centos cincoenta e oito mil e quarenta reis.	

Conveio se mais na indemnisação de hum juro sobre aquellas quantios, que sera regulado da seguinte forma :

Pelo que pertence ao navio de seis por cento contado desde 23 de Octobre de 1826, trinta dias depois da sua arrestação até effectivo embalço do capital. E pelo que pertence a carga hum juro de cinco por cento contado desde 23 de Março de 1827, seis meses depois da mesma arrestação até outro semo pagamento do capital.

O Governo dos Estados Unidos pele seu representante nesta corte, ha de guarantir ao do Brazil o pagamento a cada hum dos interesados nesta reclamação, de maneira que o Governo Imperial não ha de ficar a este respeito em nemhuma responsabilidade para com os mesmos interesados por isso que as somas liquidadas serão postas a disposição do Governo dos Estados Unidos. A presente convenção e ajuste de liquidação fica em tudo dependente de approvação do Governo de S. M. o Imperador do Brazil.

E para que assim conste nos commissarios de huma contra parte este fizemos, assignamos, e sellamos, por duplicada, no Rio de Janeiro, aos seis de Novembre de mil oito centos e vinte oito.

DIEGO LOUVES DA SILVA DE BIVAR.
ANTONIO JOSE DA S. LOUVEIRO.
W. H. D. C. WRIGHT.

No. 15.

The Marquis of Aracaty to Mr. Tudor.

Tendo se manifestado o contagio da peste em todos os portos do Mediterraneo, houre sua Magestade o Imperador por bem ordenar pela Secretaria d'Estado dos Negocios do Imperio, e pela da Marinha, se mandasse fundiar de fronte do Ancoradura da Jumjuba, entre Sta. Cruz e Bouviagem um — de guerra para impedir toda qualquer communicação com os navios que chegarem dos sorbreditos portos em quanto a visita de sande não declarar desembaraçãdos os ditos navios, o abaixo assignado, do conselho de sua Magestade, Ministro e Secretario d'Estado dos Negocios Estrangeiros, communicando esta imperial determinação ao Sor. Guilhermo Tudor, encarregado de negocios dos Estados Unidos d'America, esta carta que pela sua parte cooperá para a sua mas effectiva execução, offreciando a simillhante respeito ao commandante em chefe das forças navaes de sua nação surtas neste porto. O abaixo assignado renova ao Sor. Guilhermo Tudor as expressões do seu obsequio e consideração.

Palacio do Rio de Janeiro, 8 de Novembre de 1828.

MARQUEZ DO ARACATY.

No. 16.

Mr. Tudor to the Marquis of Aracaty.

LEGATION OF THE U. S. A.,
November 9, 1828.

The undersigned, chargé d'affaires of the United States of America, has the honor to acknowledge the receipt of the note of the 8th instant from his excellency the Marquis of Aracaty, Councillor, Minister, and Secretary of State for Foreign Affairs, respecting the new precautions which his Imperial Majesty has ordered to be taken in consequence of the disastrous intelligence of the appearance of the plague in the ports of the Mediterranean. The wishes of the Government, expressed in a former note, that no vessels should be boarded until they had received the visit of the health-boat, was communicated to the commander of the Boston, the only American vessel of war at present in the bay, and have been scrupulously complied with; but the increased necessity of guarding against the danger of pestilence will further increase the caution in this respect, and his excellency may rest assured that the requisite notice will be communicated by the undersigned to all the commanders of his nation who may arrive in this bay.

The undersigned begs leave to state to his excellency that he has been informed by the commander of the Boston that the American seamen, mentioned in a former letter, now decline entering on board that ship, most of them wishing to go to Buenos Ayres to obtain the wages due them, and four of the number, being mechanics, wish to remain in Brazil; in consequence, the consul of the United States of America cannot become responsible for claims against them.

The undersigned repeats to his excellency the Marquis of Aracaty the assurances of his high respect and consideration.

W. TUDOR.

No. 17.

Mr. Tudor to the Marquis of Aracaty.

Legation of the United States,
November 11, 1828.

The undersigned, chargé d' affaires of the United States of America, has the honor to enclose to his excellency the Marquis of Aracaty, Councillor, Minister, and Secretary of State for Foreign Affairs, a representation made to the custom-house, respecting the payment of duties on certain merchandise. The memorialists ask in justice that the goods not entered previous to the existence of the law for the equalization of duties, should only be subject to the new duties; and they state that this principle was acted upon on a former occasion: when the tariff was raised, all goods not previously entered were subjected to it, though the ships were in part discharged; and that equity requires that the same course should be followed now. As the merchandise from the United States has long been subject to a very unfavorable discrimination, there seems to be more reason for giving these cases the benefit of the existing law. Should his excellency think that the decision of the custom-house is erroneous, the undersigned solicits his intervention to order a different construction, that will relieve the memorialists. The undersigned called yesterday, being the first day he was able to go out for many weeks, to pay his respects to his excellency, and regretted much not having had the pleasure of seeing him, as he wished to converse with him on several topics; but he will to-morrow or the next day have the honor to call again at the Foreign Office; and he avails himself of this occasion to renew the assurances of his high respect and consideration.

W. TUDOR.

No. 18.

The Marquis of Aracaty to Mr. Tudor.

O Marquez do Aracaty dar seus comprimentos ao Sor. Guilhermo Tudor, encarregado de negocios dos Estados Unidos d'America, e accusando a recepção da sua nota de hoje, tem a honra de communicar lhe que acaba de recommendar ao Ministro da Fasenda o requerimente dos negociantes Birckhead & Co., cuja solução o Marquis do Aracaty se apressará a levar ao conhecimento do Sor. Tudor.

O Marquez do Aracaty sentindo muito não se achar hontem na Secretaria para ter o gosto de o receber, tem de participar que sendo os dias de amanhão e depois occupados para elle o Marquez do Aracaty, querendo ao mesmo tempo poupar o incommodo ao Sor. Tudor de o procurar, visto o seu estado de sande se dirigira pessoalmente á lasa de Sor. Tudor, a quem reitera por esta occasião os protestos de sua estima e consideração.

Secretaria d' Estado, em 11 de Novembre de 1828.

No 19.

The Marquis of Aracaty to Mr. Tudor.

Não tendo podido o abaixo assignado, do conselho de sua Majestade o Imperador, Ministro e Secretario d'Estado dos Negocios Estrangeiros, mais cedo responder as duas notas que em 24 de Agosto e 19 de Octobre lhe dirigio o Sor. Guilhermo Tudor, encarregado de negocios dos Estados Unidos d' America, por lhe faltarem para isso os necessarios esclarecimentos, tem a honra de communicar lhe que havendo os agora a recebido da repartição da marinha delles se colhe que os processos de todos aquellos navios contra cuja aprehensão representára o Sor. Tudor se achão entregues ao poder judiciario, aquem a decisão em taes negocios exclusivamente pertence sendo por ora tolhida toda a ingerencia que nelles quie esse ter o Governo até que decididos os mesmos processos nas duas instancias se venha a ventilar diplomaticamente a questão podendo mesmo acontecer que isso venha a ser desnecessario, se por huma decisão favoravel do tribunal competente os prejudicados receberem aquella justiça que reclamão.

O abaixo assignado com tudo podé assegurar ao Sor. Tudor que o Governo Imperial que tantas provas tem dado do afineo com que dereja estreitar as relações amigaveis que sempre conservara com o dos Estados Unidos da America, não perdera occasião alguma de attender as reclamações do Sor. Tudor em qualquer dos mencionados cazos como for se justiça logo que o recurso legal se haja terminado e lisongeia se o abaixo assignado que tendo felismente cessado a guerra que occasionara todas as discussões que tem occurrido igualmente estas acabem com toda a brevidade.

Não pode en tanto o abaixo assignado dexar de observar ao Sor. Tudor a inexactidão que parece haver em algunas das informaçoens que se lhe transmettirão; porque pel o summario a que se procedéo pela auditoria da marinha de Montevideo, (e que o abaixo assignado tem debaixo dos olhos,) sobre o cazo da escuna Hannah, em que forão ouvidos e assignarão os respectivos capitão e sobrecarga se evidencia que aquelle varo esta fundeado no ancoradorio commum e que se encalba he no lodo, como acontece a todas as outras embarcações nas grandes varantes tecando se a bomba duas roies sómente na semana por não facer agora; confessão elles mais que não tem havido roubo algum a proveitando, se os apresadores somente de objectos insignificantes como algum sabão ou tabaco de que ticerão precizão momentareamente. Consta tambem quanto a Tell-tale, que a prizão dos individuos da sua equipagem procedeo de suspeita d'elles quererem evader sé festivamente mas não sahindo elles pronunciados no processo competente forão immediatemente soltos sim constar que tivessem sido multratados: todas estas asserções derivão do predito summario ehé sobre a basé do tuo legal instrumento que o abaixo assignado se funda para suppor a porca exactidão das informaçoens, que ao Sor. Tudor transmettirão os interesados e muito estimara que o Sor. Tudor venha a convecer se disso.

O abaixo assignado tendo assim respondido as duas referidas notas do Sor. Tudor aproveita a occasião para reiterar lhe as expressões do seu obsequio e consideração.

Palacio do Rio de Janeiro, 15 de Novembre de 1828.

MARQUEZ DO ARACATY.

[*Mem.*—This letter was accompanied with a private note from the minister, to say he would call on W. T. the next day.]

No. 20.

Mr. Tudor to the Marquis of Aracaty.

Legation of the U. S. A.,
November 18, 1828.

The undersigned, chargé d'affaires of the United States of America, has the honor to acknowledge the receipt of the letter dated the 15th instant, of his excellency the Marquis of Aracaty, of the Council of his Imperial Majesty, Minister, and Secretary of State for Foreign Affairs, and will now submit some observations in further explanation of the topics which it embraces. The motives of the request made by the undersigned, in former letters, relative to some of the recent condemnations at Montevideo, were connected with a sincere wish to avoid the necessity of making new claims for indemnity, and to avert a useless loss to the Government of Brazil, as well as to procure more speedy relief for his countrymen; because the circumstances of those captures clearly showed that the condemnations were illegal; and while the captains were still here, and the vessels and cargoes were yet entire, or at least but slightly injured, they might, he hoped, be restored by an order of his Imperial Majesty in Council, and the process of the appeal might still be continued in the courts, leaving the risk of the delay and the decision to weigh upon the captors instead of the captured; and that, to justify such a proceeding, an examination of these cases should be previously made on the *autos* which are here, by persons enjoying the confidence of the Government; and if they should have pronounced that the captures were illegal, such a course would have been justifiable and have saved additional claims; for the undersigned can entertain little doubt that the sentences will be reversed by the tribunal of appeal, yet the delay will probably occasion, in these cases, as in so many others, a nearly total loss of the property, through the unskilfulness, carelessness, or want of fidelity in the soldiers who are placed in charge of the vessels. The undersigned can only express his regret that the course above alluded to is impracticable.

Your excellency remarks, that from an examination of the *summarios* lately received from Montevideo, some of the complaints made by the undersigned have been founded on erroneous representations, since no ill-treatment appears by those records to have been given to the captured. Without doubt there may be some exaggeration in the complaints of persons who are suffering under acts of violence, and in danger of being utterly ruined; but, at the same time, there will be much evasion and concealment on the part of those who fear the consequences of having their violent and criminal conduct exposed. The undersigned has remarked in these recent causes at Montevideo, very remarkable contradictions in stating the occurrences that took place, and he cannot undertake to assert that his countrymen are right in every point; but, from the examination he has given the cases, it is proved that the captors were very grossly erroneous in many of their statements, and yet on those statements the condemnations took place. With respect to the ill treatment complained of in the cases of the *Hannah* and the *Tell-tale*, it was in the former vessel chiefly confined to the officers and crew being turned ashore destitute of all resources, and robbed, as they say, of part of their clothes. This practice of turning the crews ashore from neutral vessels under detention has been the general practice in Montevideo, though it is attended with great hardship to the men, thrown destitute on a foreign shore, and is entirely contrary to the laws of nations, and is the great cause of the losses that have been occasioned in so many instances; leaving the vessels without any one who has an interest in taking care of them, and facilitating pillage; the consequence has been that when the vessels were restored, after a considerable detention, they have been found little better than wrecks, and in some instances not worth refitting. But, in the case of the *Telltale,* there was an accumulation of outrages which were too notorious to be concealed and too gross to admit of palliation. After the vessel was taken into port the crew were cast destitute ashore and the vessel was so far dismantled that she would have required considerable preparation to get her to sea. Yet, on some malicious annunciation being made that the crew intended to run away with her, (a heavy, dull-sailing vessel, that in the best condition could run away from nothing,) they were taken up, and the mate and crew thrown into a hideous prison, among the worst and most desperate criminals, kept there nine days, and then discharged without any satisfaction for such inexcusable violence. Even if the fact of such intention had been as true as it was unfounded and ridiculous, their imprisonment in any shape was unjustifiable; it was the business of the captors to take precautions, if they apprehended danger, and surely there was force enough at Montevideo to guard against the efforts of half a dozen unarmed men. If such conduct be pursued against unoffending neutrals, what remains to be practised against enemies or even against pirates? There was no worse prison or worse treatment to give them. Besides, it was in this vessel that the horrible outrage already made known to your excellency was practised by the soldiers on the steward, and the same wretches, adding cruelty to bestiality, on the succeeding day severely scourged this poor man, who was in their power. These detestable facts not only appear in the protest of the captain, but were the subject of a memorial addressed to the undersigned by all the respectable American citizens in Montevideo, and which they will doubtless have sent home to be made public in the United States. Nor is this disgusting and infamous crime a solitary case: it appears by the declaration of the captain of the *brig Budget,* that a similar one occurred on board that vessel. The undersigned laments being obliged to state such odious circumstances as these to your excellency, but when the captors deny and seek to conceal their shameful outrages and violence, his duty compels him to state the injuries his countrymen have received, however disagreeable the task may be, when attended with such circumstances.

While called to advert to these occurrences, the undersigned, reluctant to molest your excellency with a detail of the whole of them, which may be at present unnecessary, will, however, briefly allude to one, which has of late become more prominent and occasioned many difficulties, and in the case of the brig Budget is made a matter of considerable moment. Admiral Pinto Guedez, baron of the Plata, is considered by all foreigners, whether justly or not the undersigned is unable to say, as possessed of nearly despotic power in Montevideo. The admiralty court is thought to be wholly under his control, and to obey his dictation so entirely, that no expectation of an impartial trial is ever entertained. In the course of the legal examinations, the interpreter is a very important agent; foreigners, ignorant of the language, are materially affected by his capacity and fidelity, or the want of these qualities, and he ought to be an individual independent of either party, and sworn to a faithful discharge of his duty. What is the fact? This important office is given by the admiral to a person by birth a Swede, and said to be imperfectly versed in both the English and Portugese idioms; and that, either through malice or ignorance, he has frequently made very erroneous translations of what the witnesses said in their examinations. He is, besides, an officer of the imperial squadron, directly interested in the condemnation of the vessels captured, and presumed to be wholly under the control of the admiral. These circumstances have naturally caused great suspicion and discontent at his agency, and, in the case of the *brig Budget*, the captain, distrusting this interpreter, refused to answer any questions put by him, and referred to his official protest under oath for an explanation of all the circumstances; and this conduct was alleged against him in the process. Yet, if the points above stated be well founded, any sentence that might be predicated on his translations would be vitiated by the employment of such an interpreter.

The undersigned will now advert to another subject: that of the small claim before the commissioners in the case of the ship Panther, Captain Austin. Dr. Bivar appeared to have some doubts regarding that case, as he thought their commission was restricted to prize causes. This case, however, is one which the undersigned is directed to produce, and the commissioners are perfectly competent to examine its merits, which are indeed very obvious.

In the correspondence between the Secretary of State and Mr. Rebello, particular stress is laid by the former on the position that *all* subjects of complaint and injury are to be redressed; which is fully admitted and promised by the latter. And it is probable that this particular case was in the mind of the Secretary at the time, as it is the only one at present in the hands of the undersigned which is not connected with a prize cause. The facts are very simple: The ship Panther, on her way home from the Pacific ocean, in ballast, but with a large crew, called at Rio de Janeiro in 1824 for provisions and water. There was some mistake of form, made accidentally by Mr. Clapp, the consignee, in entering the vessel. There were on board about $8.000 belonging to the captain and crew, the product of their wages and private adventures. This came to the knowledge of some custom-house officers, and they determined to get possession of this property. Their proceedings, from the first to the last, were extremely irregular and unjustifiable; the conduct of the captain, a man of fair and honorable character, was open, frank, and dignified; he was conscious of no error, had no evil intention, and disdained any subterfuge or evasion; and because he neither could nor would give bonds to an enormous amount, he was thrown like the vilest criminal into a common prison, and remained there nearly a month. At length he was liberated; the property was restored; the proceedings were declared at the time by the judge to be an "outrage;" and the claim now made, which is less than three *contos*, is only for the demurrage of the vessel. Your excellency will perceive that it is the principle, and not the amount, which is here a question.

The Government of the United States never has believed, in spite of so many passionate representations to the contrary, that the Government of Brazil either did or would countenance acts of violence on the part of its subaltern officers, whether military or civil, towards the citizens of a friendly nation. Had, indeed, a different belief been entertained, a very different course would have been followed.

No stronger proof could be given of amicable feelings, and a confidence in a similar disposition on the part of the Imperial Government, than the course which has been adopted when such cases of extreme violence as those of the *Panther*, the *Ruth*, the *Hero*, (and recently of the *Tell-tale*,) existed; these were considered the unauthorized, wanton acts of individuals, which would be disavowed and remedied by the Imperial Government as soon they were regularly made known to it, and, therefore, in a tone of friendship, a simple reparation of the injuries sustained is asked for; while, under a different impression, and with just feelings of anger, the signal punishments of the officers who committed such acts would have been demanded in the first instance—a step which the Government of the United States as well as others have taken when they thought that the offenders were countenanced by their own Government.

The undersigned, in conformity with his promise in his last conversation with your excellency, encloses confidentially a copy *in extenso* of the despatch he showed him from the Secretary of State, which was received upwards of three months since. If your excellency observes that it is dated March 19, and that the Secretary then considered that all these cases of claims would have been settled, you will be convinced that any efforts the undersigned may have used were not owing to personal impatience on his part, but to his anxiety to comply with his instructions, and to do away as early as possible every existing subject of uneasiness between the two countries.

For this purpose the few remaining cases in his possession will be put into the hands of the commissioners in the course of this week, and he hopes they will be directed to act upon them without delay.

The undersigned avails himself of the opportunity to request his excellency the Marquis of Aracaty to receive the assurances of his very high respect and consideration.

W. TUDOR.

No. 117.

Mr. Tudor to Mr. Clay.

LEGATION OF THE UNITED STATES OF AMERICA,
Rio Janeiro, December 15, 1828.

SIR: I have made every effort to get the settlement of our claims further advanced than it is, to communicate the same by the present opportunity. I wrote an urgent note on this subject two days since, pressing the minister to assign a short period within which the business should be completed. He told me in the call he made yesterday afternoon that he had answered my letter, which I should receive this morning, and that they should be liquidated on the same terms as the French, that is, in four payments, at six months' interval. Better terms I should despair of obtaining; indeed if this Government were pressed by all nations as closely, they might plead inability to comply with the demands. The claims of England, Sweden, France, and our own, with some of less magnitude of other countries, amount to at least six (some say eight) millions of dollars, and in the present state of their finances payment is out of the question.

The commissioners have settled the cases of the *Ruth*, *Sarah George*, and *Rio*; that of the *Hero* (belonging to American merchants in Buenos Ayres) and the *Panther*, are under consideration; the *Pioneer* will also be settled immediately. Hereafter I will give you some particulars of all these claims. The manner in which they have been settled seems to me to be fair. One great cause of the delay is, that the largest part of the amounts being stated in dollars, which are at 100 per cent. advance, they are hoping for some amelioration of the exchange to diminish this heavy loss. I wish to obtain the most ample justice for my countrymen; and if what is done falls short of my expectation, under the circumstances of this country, almost any settlement is desirable. In a national point of view, a termination of these difficulties is I think a matter of state policy.

Our commercial intercourse with Brazil is already very extensive, and I am persuaded, under the equalization duties, will be very considerably increased. It is also in our power, with proper management of our diplomatic intercourse, to obtain an influence for producing a harmony of general views in the respective relations of the two countries with European Powers, which is too important to be disregarded; and I shall as soon as circumstances will permit, give you a detailed relation of all the claims and the facts connected with them.

I now, sir, ask you to offer my resignation to the President. Five years' constant residence in debilitating climates has almost undermined my strength. I am convinced that I cannot resist their influence much longer, and the last three months have been passed in continual suffering. I hope the bracing air of the north may restore me. Whatever decision the President may take, I entreat that he will at least allow me to return the next spring. If I leave here after the month of May, the passage is exposed to the risk of the hurricane months. I hope I may find some of our ships of war on their return, as, in my apprehension piracy will be very rife the coming year in the vicinity of the line, and many horrible deeds will be perpetrated if timely precautions are not taken against it. Admiral Otway offered me a place in his cabin to England, and I should almost be tempted to take that circuitous route rather than be exposed in an unarmed vessel.

I have the honor to be,
With very high respect,
Your most obedient servant,
W. TUDOR.

Hon. Henry Clay,
Secretary of State.

P. S. I have since received the note from the Minister of Foreign Affairs stipulating that the examination of the claims shall be completed by the first of February, and the payments be made, as stipulated in the French convention, in 6, 12, 18, and 24 months.

No. 119.

Mr. Tudor to Mr. Clay.

Legation of the United States of America,
Rio Janeiro, January 9, 1829.

Sir: My last letter, No. 118, was merely to accompany a bill of exchange. The most important occurrence in this quarter since the date of my letters by Lieutenant Brown, are the new troubles that have broken out at Buenos Ayres. From Mr. Forbes and other sources I have received most of the details of these untoward events, but I will not trouble you with them, as most probably the despatches of Mr. Forbes will have reached you by a direct opportunity. It may, however, be stated briefly, that the body of the army under General Lavalle, immediately on their return from the Banda Oriental, under the orders of that commander, and stimulated by the promise of receiving their arrears of pay, entered into an open revolt to overturn the administration, and placed their general at the head of a new provisional government. Dorrego appears to have been taken by surprise, and fled immediately. He repaired to the country-house of Don Manuel Rosas, who was devoted to him, and has almost unlimited influence over the country people, and is familiarly styled king of the *Gauchos.* Lavalle soon pursued the fugitive chief, whose forces were routed after a smart action, and he fled to a regiment which had been acting against the savages. The colonel, Pachero, was his friend, and was going to receive him, when the troops revolted, under the command of the lieutenant colonel, Escribano, and made Dorrego prisoner, sending him towards the city under a strong escort. Admiral Brown had been made by Lavalle Governor of Buenos Ayres, and he sent orders to take Dorrego to General Lavalle, who, on getting him into his possession, ordered him to be shot, without the slightest form of trial, giving him one hour for preparation.

On hearing that Dorrego was ordered to the headquarters of Lavalle, his friends, justly (as the event proved) anxious for his fate, applied to Mr. Forbes and Mr. Parish to interpose their mediation. Those gentlemen at once consented to take this humane step, but not agreeing exactly on the principles of their mediation, concluded to make their application separately. Mr. Forbes made the first visit, and both gentlemen were assured in the most positive manner that the life of Dorrego was perfectly secure. Two days afterwards they heard of his execution. On the 15th ultimo, my last date from Mr. Forbes, he writes that it is impossible to describe the universal indignation which is openly expressed in Buenos Ayres at the barbarous execution of Dorrego, and he anticipates all the calamities of a violent civil war.

This military revolt and usurpation seems to have been one of the most undisguised deeds of violence which blacken the factious history of Buenos Ayres. The plan seems to have been executed with little previous concert, and its head to have calculated on assuring its success by the intimidation the sudden fate of Dorrego would create. But the event seems very doubtful; a report has been in circulation, which I cannot trace to any authentic source, that a reaction had taken place, that Lavalle had fled, and that Brown was preparing a vessel to do the same.

That unfortunate country seems to be menaced with a civil war. The populace of Buenos Ayres, and the people in the adjoining country, were almost all in favor of Dorrego; the Governors of the different provinces were all on the same side. Lavalle's chief force is that of two or three regiments of well-disciplined troops, but with which he can hardly make head against the whole country, even if they continue faithful to him. There were objections to Dorrego, particularly from his being the partisan of Bolivar; but this violent overturning of his Government, and his barbarous execution by a body of mutinous troops, is a most disgraceful event, and tends to add to the discredit which seems accumulating upon the new republics of the South.

I am glad to say that the news from Peru is more encouraging. General Lamar had recovered sufficiently to go to the army in the North. The only blood that had been shed up to September 20th, was in an action between two vessels sent from Guayaquil to attempt to capture a Peruvian corvette on the northern coast of Peru, in which they were defeated, after a most sanguinary action. It appears also that Bolivar meets with some obstacles in his intended war, and that his aid-de-camp, O'Leary, had arrived at Quito with proposals for an armistice as a preliminary to peace, and had solicited passports to proceed to Lima. The object of this is only to keep his cause alive by intrigues in that capital, till he is able to carry on the war openly.

From some able remarks of Mr. Pando in one of the Lima papers, there is little fear of the Government being so grossly duped as to permit O'Leary to come there, though they will undoubtedly be ready to make peace at any moment, as the war is wholly due to Bolivar's profligate ambition, and is on their part most rigidly one of self-defence. I cannot help hoping that General Harrison may have had instructions to offer and urge a mediation.

Things are quiet here, though it is said some troubles have occurred in the northern provinces, and a frigate which sailed a few days since with troops is supposed to have gone to Maranham. Two or three other frigates are preparing for sea. The affairs of Portugal occupy much of the present attention of this Court. It is reported that the proposition of declaring war is under consideration, and that a part of the ministry is in favor of it. But it is difficult to believe in such infatuation as this would be, and I attach little credit to the report. Lord Strangford, who is particularly charged with these concerns on the part of his Government, would of course do every thing to prevent it; but some pretend that having to sustain some propositions that were not agreeable to the Emperor, he has been treated rather cavalierly of late. Lord Ponsonby, in consequence of positive instructions, made a direct demand of payment for all captures that have been made of British property, and asked for a categorical answer. He met with the usual delays, and after detaining the packet for some days, he received what may be considered an evasive reply. It is said that the minister expressed his surprise at the demand, and the manner of it; but that orders had been some time since transmitted to the Brazil delegation in London to enter into an arrangement of the business there.

The subject of piracy has long seemed to me one which requires the watchfulness of all foreign Powers in this quarter. The only capture I have recently heard of, is that of a British vessel, laden with hides, off the mouth of the Plate. By the last papers I have received, which were from New York to the 5th of November, I saw an account of the pirate *Las Danres Argentinas*, from which it would appear that some monsters in our country must have been the owners. I thought this a good opportunity to engage Mr. Forbes to make an effort with the Government of Buenos Ayres to recall their commissions to privateers, which would be taking away one of the masks for piracy, and the example of Colombia having done so, might be cited to prove the expediency of the revocation. I conversed with Lord Ponsonby on the subject, who agreed with me, and said he would advise Mr. Parish to make the same application. I have had several conversations with Lord Ponsonby and Admiral Otway, with Mr. Pontois, the French chargé d'affaires, and Admiral Roussin, on the danger that was to be apprehended from the increase of piracy in these seas and the neighborhood of the equator. They all concurred with me fully on the subject, and promised they would write to their Governments; and the admirals have, as far as circumstances would permit, directed their forces to this object.

I hope, if the President consents to my return in the spring, if I am not able to get a passage in a ship of war, that the commanding officer here might be directed to give a convoy to the vessel I may embark in to a few degrees north of the line, as such a course would not be taking a vessel of war out of the sphere of her duty.

An operation is now about being completed, by means of a loan and a sale of part of the dollars belonging to the bank, to take up 4,000 *contos* of bank bills, and burn them; and the most intelligent merchants think that this will improve the exchange. The present issue of bank paper, amounting to 22,000.000 of milreas, is excessive; and the taking away 4,000.000 must have some effect.

The Hudson is about sailing for Montevideo; the Boston is daily expected back from her cruise to the north, where she was sent to inquire after the pirate that robbed an American schooner in October last. The English admiral is at Montevideo; an English frigate and sloop of war are at present in the bay. The French Admiral has two ships of the line, (one of which returns next month to France,) three frigates, and a schooner with him, and three or four more ships on the coast; but these vessels are constantly coming and going, and he has assured me are actively occupied in examining suspicious vessels.

I shall in a few days write again, and state the situation of the claims, which, in spite of all my efforts, move at a snail's pace. Lieutenant Brown, with the treaty and the Emperor's ratification, sailed from hence the 15th ultimo, and I hope is more than half way home. The Minister of Foreign Affairs recently communicated to me that Mr. Rebello had obtained leave to return, and a new chargé was named in his place; and that this gentleman, Mr. José de Arranje Robeiro, at present secretary of the Brazil legation in Paris, had been directed to proceed to Washington.

The Dutch minister, Mr. Dedels, having concluded his treaty, sailed, a few days since, for Europe.

I have the honor to be, with great respect, your most obedient,

W. TUDOR.

To the Hon. Henry Clay,
Secretary of State.

P. S. *January* 12. The Boston returned from her cruise to Bahia and Pernambuco on the 10th, and sailed on the 11th, with the Hudson, for Montevideo. It appears, from Captain Hoffman's statement to me, that the American vessel which was plundered, and which he was particularly sent to inquire about, had the property taken out by a Buenos Ayrean privateer, under the following circumstances: The vessel had taken a freight of merchandise for a port on the coast of Africa, Brazilian property, shipped in the name of an American house at Bahia. The privateer overhauled her and suffered her to pass, but soon after captured a Brazilian vessel, by which they ascertained the situation of the property on board, and then boarded her a second time, and took out the property. It should, however, be restored, according to the preliminary treaty, as the period fixed by that instrument for making captures valid in that parallel had expired two days previously.

List of the following correspondence with the Government of Brazil, from December 7, 1828, *to January* 10, 1829.

No. 1. (Should be numbered 2.) Note from the Marquis of Aracaty, communicating a favorable decision of the Minister of Finance relative to certain duties.

No. 2. (Should be numbered 1.) Letter to the Minister of Foreign Affairs, urging the necessity of despatch by the commissioners in the examination of claims, and also the importance of the immediate conclusion of the treaty.

No. 3. Note from the Marquis of Aracaty, fixing a time for the signature of the treaty, and with the assurance that the ratification of the Emperor would be ready; and stating that the claims should be settled on the same terms as agreed upon for similar claims in the convention with France.

No. 4. Note from the Marquis of Aracaty, adding to his stipulations relative to the settlement of the claims.

No. 5. Letter to the Marquis of Aracaty, requesting a positive answer on the subject of the claims; acknowledging the letter respecting the duties, &c.

No. 6. Note to the Marquis of Aracaty, stating the hesitation of the commissioners to proceed, and requesting that the requisite instructions may be immediately given; also, making a new statement for the relief of the American seaman in prison for a criminal offence.

No. 7. Note from the Marquis of Aracaty, to mention that a chargé d'affaires to reside at Washington had been named in place of Mr. Rebello.

No. 8 Letter from the Marquis of Aracaty, in answer to my note of December 20, saying that the orders requested should be given to the commissioners to proceed with the claims, and that he would write to the Minister of Justice respecting the seaman in prison.

No. 9. Letter to the Marquis of Aracaty, complaining of the injurious effect of certain custom-house regulations, and requesting that they may be changed.

No. 10. Note from the Marquis of Aracaty, acknowledging the preceding, and saying that it was referred to the Minister of the Treasury.

No. 1.

The Marquis of Aracaty to Mr. Tudor.

Em respostu á nota que me dirigio em data de 11 de Novembre passado o Sen. Guilhermo Tudor, encarregado de negocios dos Estados Unidos d'America, tenho o gosto de lhe participar que o Ministro e Secretario de Estado dos Negocios de Fazenda me communicon em um semi officio de 6 do corrente mes, que habia expedido as ordens necessarias o Juez Interino d'Alfandega, para que admittir se a despacho de quinze por cento as mil sete centos barricas de farinha, que restão aos negociantes Birckhead & Co., consignatorios do brigue Americano Thetis discarregar do mesmo brigue.

Com este motivo, renovo ao Sen. Guilhermo Tudor as expressoens do meu obsequio e estima.

Palacio do Rio de Janeiro, em 11 de Decembre, 1828.

MARQUEZ DO ARACATY.

No. 2.

Mr. Tudor to the Marquis of Aracaty.

LEGATION OF THE U. S. OF AMERICA,
December 7, 1828.

The undersigned, chargé d'affaires of the United States of America, has the honor to address his excellency the Marquis of Aracaty, Councillor, Minister, and Secretary of State for Foreign Affairs, on the subject of the delay in examining the claims before the commissioners. More than three months have elapsed since the appointment of that commission, and only two cases are decided. Few as they are, comparatively, years might pass before the examination would be completed, if no greater despatch be used. Your excellency will excuse repeated references to the prompt adjustment promised through Mr. Rebello; and will have seen, from a despatch which the undersigned communicated *in extenso,* what are the expectations of his Government. It being absolutely necessary for him to give some satisfactory intelligence by the special messenger he is now sending home, the undersigned most earnestly solicits your excellency to state to him, in writing, some fixed period when the examination of these claims shall be completed; and also the period of payment for which the obligations for the amount shall be given. One week would amply suffice for the consideration of these claims; and the undersigned therefore confides that an early period will be named for the conclusion of the business, that he may be enabled to give the information to his Government in an authentic form.

With regard to the conclusion of the treaty, the undersigned will not repeat, but only refer to, what he had the honor to say to your excellency in conversation on Saturday. If it be not forwarded this week there is no hope of its being acted upon for a year to come; a delay which may prove injurious, in various ways, to the interests of both countries.

The undersigned avails himself of the occasion to request his excellency the Marquis of Aracaty to accept the assurances of his very high respect and consideration.

W. TUDOR.

No. 3.

The Marquis of Aracaty to Mr. Tudor.

O abaixo assignado, do conselho de sua Majestade o Imperador, Ministro e Secretario de Estado dos Negocios Estrangeiros, satisfazende aos desejos manifestados pelo Sr. Tudor, encarregado de negocios dos Estados Unidos de America, na sua nota em data de 7 de corrente, passa a responder aos dous pontos que ella contem. Relativamente a conclusão do tratado entre este imperio e os Estados Unidos, ja o Sr. Tudor tera recebido a participação de que hoje devera comparecer na Secretaria dos Negocios Estrangeiros para o assignar. E a este respeito tem o gosto o abaixo assignado de accrescentar que sua Majestade o Imperador, desejando da sua parte accelerar a publicaçao do dito tratado de que espera decididas ventagems para os dous paizes, se dignon par logo a sua ratificaçãa aqual sera entregue ao Sor. Guilhermo Tudor, para su dirigido por portador seguro ao encarregado de negocios Brazileiros em Washington, aquem se auctoriza para facer a competente troca com a pessoa nomeada pelo Governo dos Estados Unidos para aquelle fim.

Quanto ao segundo ponto, isto he, sobre fixar se hum prazo para o pagamento das reclamaçoens de que estão tratando os commissarios Brazileiros e dos Estados Unidos nomeados nesta corte, o abaixo assignado julga satisfazer completamente ao Sor. Guilhermo Tudor, declarado categoricamente que o mesmo prazo que se acha marcado na convençaó feita com a França, de que o Sor. Tudor tem conhecimento para o pagamento de semilhantes reclamações, sera tambem applicada para os dos Estados Unidos na forma acima mencionada, e que esto será tao religiosamente cumprido pelo Governo Imperial, como se estivesse expressamente estipulado em qualquer convenção ou tratado.

O abaixo assignado renova ao Sor. Guilhermo Tudor as expressões de seu obsequio e estima.

Palacio do Rio de Janeiro, em 13 de Decembre de 1828.

MARQUEZ DO ARACATY.

No. 4.

The Marquis of Aracaty to Mr. Tudor.

O abaixo assignado, do conselho de sua Majestade o Imperador, Ministro e Secretario de Estado dos Negocios Estrangeiros, advertindo que na sua nota que dirigio ao Sor. Guilhermo Tudor, encarregado de negocios dos Estados Unidos de America, na data de hoje, não se mencionara o prazo em que devem terminar as liquidações das reclamações de que estão tratando os commissarios Brazileiros e Americanos, se apressa em communicar ao Sor. Tudor, que o dito prazo he o mesmo que se acha marcado na convencão que se fer com a França sobre iguaes liquidações.

O abaixo assignado renova ao Sor. Tudor as expressões do seu obsequio e estima.

Palacio do Rio de Janeiro, em 12 de Decembre de 1828.

MARQUEZ DO ARACATY.

No. 5.

Mr. Tudor to the Marquis of Aracaty.

Legation of the U. S. A.,
December 12, 1828.

The undersigned, chargé d'affaires of the United States of America, has the honor to acknowledge the receipt of the note of his excellency the Marquis of Aracaty, Councillor, Minister, and Secretary of State for Foreign Affairs, mentioning the favorable decision of his excelleney the Minister of Fazenda, in the case of the American brig Thetis; which information was immediately communicated to the parties interested.

The undersigned transmits two letters, which he received at a late hour last evening from Mr. Rebello; the newspapers and book which he mentions have not been delivered, but as soon as they can be obtained, they shall be sent to the Foreign Office.

The undersigned earnestly requests your excellency to favor him with a reply to his note of the 7th instant, relative to fixing a period when the examination of the claim by the commissioners shall be concluded. It is unnecessary to repeat how essential it is to accompany the other important documents that are preparing, with some positive intelligence on this previous subject of the claims.

The undersigned avails himself of the occasion to request his excellency the Marquis of Aracaty to receive the assurances of his very high respect and consideration.

W. TUDOR.

No. 6.

Mr. Tudor to the Marquis of Aracaty.

LEGATION OF THE UNITED STATES OF AMERICA,
December 20, 1828.

The undersigned, chargé d'affaires of the United States of America, has the honor to address his excellency the Marquis of Aracaty, Councillor, Minister, and Secretary of State for Foreign Affairs, on the subject of the examination of the claims; having understood yesterday from Dr. Bivar that the commissioners doubted their competency to proceed further than the first cases placed before them, until they received express authority from your excellency to take up all the cases submitted to them.

The undersigned can have no doubt of your excellency's intention on this subject; and, therefore, solicits that the necessary instructions may be given for the prosecution of the business, as any delay must inevitably prevent the fulfilment of the assurances which your excellency gave the undersigned, that the examination should be completed by the 1st of February, and which were forwarded by the messenger recently despatched to Washington.

The undersigned will again ask your excellency's consideration of the case of the unfortunate seaman who has been so many months lingering in prison for an offence committed in a state of mental derangement, and which would therefore be passed over by the justice of every humane code of laws.

The undersigned is further induced to revive this subject, because it has been intimated to him that the unsuccessful application in a former instance was owing to the particular (and certainly ill-judged) scruples of the then Minister of Justice, and that his successor may probably make a different decision. Strong considerations of humanity encourage the belief that this wretched prisoner, who is confined, not by any deliberate sentence of the law, but by the revengeful passions of an obscure individual, will be mercifully set at liberty; and as, at this peculiar season, the injunctions of religion urge the visiting of prisons, that the most sacred feelings of christianity, as well as the obligations of justice and political considerations towards a friendly nation, will secure your excellency's intervention to put an end to the long imprisonment of the sufferer.

The undersigned avails himself of the occasion to renew to his excellency the Marquis of Aracaty the assurances of his very high respect and consideration.

W. TUDOR.

No. 7.

The Marquis of Aracaty to Mr. Tudor.

O abaixo assignado, do conselho de sua Majestade o Imperador, Ministro e Secretario de Estado dos Negocios Estrangeiros, tem a honra de participar ao Sor. Guilhermo Tudor, encarregado de negocios dos Estados

Unidos da America, que seu aguste amo tendo attenção ao que lhe representon José Silvestre Rebello, que sea chara residendo com o caracter de encarregado de negocios do imperio do Brasil junto dos ditos Estados, honre por bem determinar, que elle se retimese para esta corte, e nomeon para o substituira José de Arranje Robeiro, secretario da legação Brasiliera en Paris, a fim de que promova da sua parte como lhe he mui recommendado, as relaçoens de amioade e boa intelligencia felizmente existentes entre os dous paizes.

O abaixo assignado renova ao Sor. Tudor as expressões de seu obsequio e estima.

Palacio do Rio de Janiero, em 30 Decembre de 1828.

MARQUEZ DO ARACATY.

No. 8.

The Marquis of Aracaty to Mr. Tudor.

Os dias santos que tem sobrevindo depois da recepção da nota que o Sr. Guilhermo Tudor, encarregado do negocios dos Estados Unidos, dirigio em data de 20 de Decembre do anno passado, e huma indisposição que tem offrido o abaixo assignado, do conselho de sua Magestade o Imperador, Ministro e Secretario d'Estado dos Negocios Estrangeiros, fizerão com que ainda o mesmo abaixo assignado não tivesse dado huma prompta resposta a dita nota, como alias erao seu desejo cumprindo agora este dever, o abaixo assignado participa ao Sr. Tudor que vão se expedir as ordens necessarias aos commissarios Brazileiros, para que tratem tambem d'aquellas reclamaçoens sobre os navios Americanos que ja tiverem obtido sentenças definitivas no tribunal do conselho supremo do Almirontado, pois que sobre os outros casos, que ainda estiverem por sentenciar, o pode hão Governo Imperial, sem preceder o divido julgamento tomar sobre elles deliberação alguma pelas raröes que o abaixo assignado expor ao Sr. Tudor na sua nota em data de 15 de Decembre do anno preterito.

Quanto a segunda parte da nota do Sor. Tudor, relativamente ao marinheiro Americano que se acha ainda pesa na cadêa, o abaixo assignado esaeren ao Ministro da Justiça, requerendo lhe que da sua parte contribuisse para facilitar a soltura do dito marinheiro.

O abaixo assignado renova ao Sor. Tudor as expressoens de seu obsequio e estima.

Palacio do Rio de Janeiro, em 5 de Janerio de 1829.

MARQUEZ DO ARACATY.

No. 9.

Mr. Tudor to the Marquis of Aracaty.

Legation of the U. S. A.,
January 7, 1829.

The undersigned, chargé d'affaires of the United States of America, has the honor to acknowledge the reception of two notes from his excellency the Marquis of Aracaty, Councillor, Minister, and Secretary of State for

Foreign Affairs; the former, mentioning the appointment of a new chargé d'affaires from Brazil, to replace Mr. Rebello, which the undersigned will duly communicate to his Government; and the latter being an answer to his note of the 20th of December.

The undersigned wishes now to solicit the good-will of your excellency, respecting the amelioration of an existing regulation of the custom-house, which is very disadvantageous to the vessels of the United States, without being of any utility to Brazil; on the contrary, the commerce of Brazil suffers by it, in common with that of all foreign nations. The merchants connected with the trade of the United States have several times represented that, among other regulations, that of sealing the hatches of vessels discharging was particularly injurious to them: if any accident happened to the seal, which might easily occur, the vessel was brought into great trouble; and in case of flour forming part of the cargo, it prevented a circulation of air to correct the heat of the hold, which was extremely injurious. As this custom of sealing vessels is not generally used in other countries, perhaps it may be discontinued without injury, whenever the custom-house regulations undergo a revision.

But the practice to which the undersigned now wishes to draw your excellency's attention is, that which prevents any vessel *discharging after eight o'clock in the morning*. This seemed nearly incredible, as two-thirds of every day are lost by it; most probably it is owing to an abuse that has crept in without the knowledge of the Government; but surely the custom-house officers, who are paid for their services, should be held to give all their time to the public. If the period for discharging vessels be extended till noon, it will be a great benefit to commerce, and will economize one-half the time now required for unlading vessels; and as the custom-house remains open till two o'clock, there is ample time to prepare the daily reports, which, in many cases, are so simple as not to require five minutes. The improvement is as easy as the relief would be great, and should your excellency give it your favorable opinion in passing the subject to his excellency the Minister of the Treasury, the undersigned cannot but flatter himself that the enlightened zeal and activity which guide that minister, in superintending every branch of the extensive department confided to his ability, will immediately cause the alteration in question to be made, as it is not complicated with any intricate part of the custom-house regulations, and will have the most beneficial effect in expediting the business of Brazilian as well as foreign merchants.

The undersigned, in connexion with this subject, may, perhaps, be allowed to allude to his own country. The prosperity of the United States has been too remarkable to escape the notice and admiration of the world. One great source of this prosperity is owing to the laws having given every possible facility to commerce, and making the regulations of the customs as little onerous as practicable. The wisdom of this policy is shown by the event, and by the fact that though the abundance of forms and regulations always creates delay, they are not always necessary to security. The custom-house in the United States is open from 9 to 3 o'clock, and the simplicity of the forms permits a great quantity of business to be done. But the inspectors, who overlook the discharge of vessels, attend to their duty from daylight till dark, and only make their reports of each cargo when its discharge is completed. The consequence is, that the same vessel would be unladed in a port of the United States in three days that would require a fortnight in Brazil. That every practicable facility should be given to commerce, seems especially desirable here; and when the position of Rio Janeiro is considered, even a stranger must be struck with the circumstances which render it capable of becoming one of the richest and most renowned marts of commerce in the world. It is needless to say, however, that much of its future prosperity will depend on the regulations of the custom-house.

The undersigned trusts he may be excused for asking your excellency's attention to this subject, which he was the more strongly encouraged to do, because the improvement desired will not be confined to his own countrymen, but will be felt by the whole commerce of the port.

The undersigned avails himself of this occasion to renew to your excellency the assurances of his very great respect and consideration.

W. TUDOR.

No. 10.

The Marquis of Aracaty to Mr. Tudor.

Accusando a recepção da nota que em 7 do corrente me dirigio o Sor. Guilhermo Tudor, encarregado de negocios dos Estados Unidos d'America, versando sobre diversos melhoramentos que julga convenientes para a melhor expedição dos despachos d'alfandega, tenho de certificar lhe que remetto este negocio ao Ministro e Secretario d'Estado dos Negocios da Fazenda o qual hé de esperar dará a devida attenção os ponderações que na sua dita nota expende.

Por este motivo, renovo ao Sor. Tudor as expressoens do meu obsequio e consideração.

Palacio do Rio de Janeiro, em 10 de Janerio de 1829.

MARQUEZ DO ARACATY.

No. 120.

Mr. Tudor to Mr. Clay.

LEGATION OF THE UNITED STATES OF AMERICA,
Rio Janeiro, January 22, 1829.

SIR: Since my last letters of which the enclosed are duplicates, little of importance has occurred here politically. The rumors of a declaration of war against Portugal have, I am persuaded, no serious foundation. The Emperor is undoubtedly taking measures to sustain his adherents in Portugal, and maintain the rights of his daughter against the usurpation of his brother: but these concerns are managed by his particular Secretaries, and the Brazilian ministry take no part ostensibly. They are fitting out three or four frigates.

From Buenos Ayres I have no letters later than the 15th ultimo; but Lord Ponsonby very kindly communicated to me the substance of his information up to the 3d instant. Among his letters he had a long confidential one from Louis Dorrego, the brother of the unfortunate ex-Governor, in which there is one trait that does great honor to the deceased. When he found his fate was decided upon, he enjoined upon his brother to solicit Lord Ponsonby in the most earnest manner to do every thing in his power to prevent the cause of Buenos Ayres from being discredited by the late events, and to represent that it was neither the act of the people nor of the Government, but the mutiny of a small body of troops, by which the character of the republic ought not to be injured. Whatever may have been the errors of Dorrego, this anxiety, in his last moments, partakes of the highest spirit of patriotism.

By the last packet from England General San Martin was a passenger. During the stay of the vessel here he remained *incog.* His return is said to be owing to the loss of the greater part of his property, through the unfaithfulness of an agent. I suspect his views on leaving Europe were more towards Peru than to his own country, where he was not very popular. But his return at this moment, when Buenos Ayres is in a state of such distraction, and his talents and address, may produce a call upon him to take a part, and act in some degree as an umpire between parties from whose struggles he has been so many years absent.

I some time since made a strong representation to this Government, in as conciliatory a manner as possible, against the very great disadvantages which the commerce of this place labored under from the delays of the custom-house; and especially respecting the injuries that arose from the practice of *sealing* vessels, and the short period in each day that was allowed for discharging vessels. Though these evils had been frequently represented to me, I felt a reluctance to interfere in a matter of purely interior regulation. A copy of my letter is among the enclosed documents. Last week the Minister of Foreign Affairs sent Mr. Lisboa, the chief clerk in his department, to inform me that the Government had determined to do away the practice of *sealing* vessels; and I believe other reforms are contemplated in the custom-house. I know not what influence my intervention may have had in producing this change, but the relief from this odious and oppressive regulation will be an important benefit to every vessel that comes here. I may mention also, as another instance of favorable decision on my application, that, some time since, a certain amount of duties were refunded to an American vessel on my representation, which they might perhaps have legally retained, and which, I confess, in the embarrassed state of their finances, although the sum in question was of no great amount, I had little expectation would have been granted.

The commissioners are proceeding in the settlement of the claims. Since my last they have acted upon two or three cases, those of the *Panther* and the *Hero*, and in both instances I have reason to be satisfied with the award. The particulars of these, with all the other cases, I will report in detail when the business is concluded.

Our latest dates from the United States are to the end of November. I am looking for the early arrival of the Vandalia and the Guerriere, by which I hope to be honored with your despatches.

The foreign naval force remains in the bay as it was at my last date.

I have the honor to be,
With high respect,
Your most obedient servant,
W. TUDOR.

To the Hon. HENRY CLAY,
Secretary of State.

No. 121.

Mr. Tudor to Mr. Clay.

LEGATION OF THE UNITED STATES OF AMERICA,
Rio de Janeiro, February 18, 1829.

SIR: Since my last the decree abolishing the practice of sealing vessels has been carried into effect, to the general satisfaction of all the commerce of the place, and to the great relief of American vessels particularly.

A decree has been promulgated by the Emperor, summoning the Legislature for the 1st of April, six weeks sooner than their usual meeting. The Government gazette states as a conjecture for this measure, that it is necessary the Legislature should decide respecting the Portuguese troops expected from England. I am inclined to think, however, that those troops, though nominally destined for Brazil, will rather go to one of the Portuguese islands, to take possession in the name of the Queen, and wait events. Probably the motives for this extra session are to ascertain how far the Legislature will pledge Brazil in support of the Queen and the constitution in Portugal; and also to take some steps for the relief of their finances. I apprehend that they will cautiously abstain from hostilities against Portugal, which would most probably prove fatal to the constitutional party itself, and ruinous to this empire.

The Emperor, who had been much vexed by the previous accounts from England, was highly gratified with the public and very marked reception of the young Queen by the King of England at Windsor; and what was said by him on that occasion seems to pass the limits of mere courtesy towards the youthful sovereign; and perhaps the English cabinet may have resolved to take a more decided part to sustain her rights and put an end to the frightful misrule of the apostolical party. Their conduct hitherto in regard to Portugal seems to have been vacillating and inconsistent. The return of the English ambassador, Lord Strangford, from the country sooner than was expected, may have some connexion with these affairs. The exchange here is constantly declining, and a new war would throw their finances into total confusion.

From Buenos Ayres I have nothing later than the 19th ultimo. That country was in a very distracted state: the provinces were preparing for a civil war, and the people of Buenos Ayres were only kept down by military tyranny. The situation of Lavalle and his partisans was very critical, and it was almost impossible that he should maintain himself long, with nearly the whole population of the republic against him. I received lately letters from Peru to the 10th of November. General Lamar had recovered his health, and would have in that month a well-conditioned army, in good spirits, of 8,000 men. It was supposed he would enter the southern departments of Colombia, occupy Quito, and send forward a detachment to take possession of the impregnable pass of Juamba. This would serve to make the cause of the usurper more unpopular, and open an asylum and rallying ground for the patriots of Colombia.

The commissioners are proceeding with the liquidation of the claims. The minister has promised me that all the cases which have been finally acted upon in the courts shall be concluded this month. As soon as that is done, I shall press for a decision of those which are still pending on appeal—some five or six in number.

I had the honor to receive your despatch No. 9 by the Vandalia the 5th instant. It gave the greatest satisfaction to find that the course I had pursued had met with approbation. I trust that Lieutenant Brown will have reached Washington early this month with the treaty; should that prove acceptable, it will fulfil all my wishes.

The Vandalia is here, the Hudson and Boston at Montevideo. The English frigate Thetis, and the French admiral, Rosamel, with a ship of the line, two frigates, and a brig, are all the foreign vessels of war in the bay. A French ship of the line sailed yesterday for Brest; the Danish minister went passenger. The Brazilian frigate Isabella sailed two days ago for England, having on board a minister for Vienna.

I have the honor to be,
With high respect,
Your most obedient servant,
W. TUDOR.

To the SECRETARY OF STATE, *Washington.*

No. 122.

Mr. Tudor to the Secretary of State.

LEGATION OF THE UNITED STATES OF AMERICA,
Rio de Janeiro, March 28, 1829.

SIR: Since my last despatch, the most important political event that has occurred here, was the official notice of insurrectionary movements in the province of Pernambuco. Very little is known of the real state of affairs there by the public. The official accounts represent the insurrection as utterly contemptible, but at the same the most violent decrees have been issued: one to suspend the *habeas corpus,* and another ordering a military commission, to be named by the commander in the province, which is to try and condemn whom it pleases, and the sentence to be immediately executed, all right of appeal to the Emperor being refused. This latter decree is particularly odious and impolitic; and it appears was resolved upon by the ministers alone, without consulting the Council of State. It is said the latter had in consideration the making a protest against the decree as arbitrary, informal, and unconstitutional.

The affairs of Portugal occupy much of the Emperor's attention. His affection for his daughter, and animosity against Don Miguel, are opposite stimulants that concur in the same purpose. The policy of the English in preventing the Portuguese troops from landing at Terceira has given him great vexation. A vessel, with a battalion of German troops, which were thus prevented from landing at Terceira, arrived here lately. The Austrians and English are probably endeavoring to compound the affairs of Portugal, and with securing her interests to abandon the constitution; at least such, I have reason to believe, are the instructions which the English ambassador and the Austrian minister at this

Court act upon. But the Emperor is so indignant against his brother, that he has declared the marriage should not take place, and that he will not give up the constitution. There seems to have been some inconsistency in the English conduct with regard to Portugal.

An extra session of the Legislature is to be held on the first of next month; the ordinary session takes place in May. The avowed object of the former meeting was to authorize the landing, and provide for the maintenance of the Portuguese troops expected from Europe. Another reason probably is to ascertain what part Brazil will take in the concerns of Portugal. The Government look at this meeting of the Legislature with some inquietude, because the opposition has a majority, and they may be found troublesome on many points of public affairs. A great deal of discontent prevails among the troops, whose pay is greatly in arrears: a German corps in garrison at one of the forts, having received no pay for a year, lately grounded their arms, as report says; one month's pay was given them, which they said was very well, but at the end of the month they must receive more, or do the same thing. The hardship to the troops is increased by their being paid in bank notes, which they are obliged to change into copper to make use of, at a loss of 45 per cent.

The English are now making a determined effort to obtain payment for the spoilations they have suffered. Lord Ponsonby received orders in December to declare to this Government that if they did not agree to make satisfaction in thirty days, reprisals would be made to satisfy the amount; and the admiral received corresponding orders. Lord Ponsonby took it upon himself to extend the term to sixty days; but this Government held out till within a few days of the time fixed, and then consented to make restitution; meaning, it is said, to issue a declaration that they were obliged to cede to superior force, and that England has one set of principles for herself and another for foreign Powers.

They accuse the English of making no serious representations against their proceedings at the time of their occurrence, being then occupied with obtaining from this Government the convention by which they agreed to prohibit the slave-trade the present year; and in negotiating the commercial treaty, in which to favor their manufactures, they induced this Government to bind themselves to the most impolitic stipulation, that the maximum of duties should be 15 per centum; a condition which, of course, they have been obliged to extend to all other nations; and as the customs are almost their only source of revenue their financial difficulties are greatly increased. The English demands have been given in at 442,000 pounds sterling, for which they require payment in treasury or bank notes. At the present rate of exchange this sum would cost this Government, in the bank currency, upwards of five millions of dollars. The general agreement to pay has been made, but the conditions are not yet settled; and will not be very speedily, unless they act differently from what they have done with all other nations. The English are urgent and positive, and exhibited their discontent by keeping away from a gala day at Court which happened this week; when neither the ambassador, Lord Strangford, nor the minister, Lord Ponsonby, nor any Englishman, was present. The French claims are liquidated, in part, but the business is not completed.

Our claims, in six cases, are agreed upon; and two more of the most considerable I was promised should be arranged to-day. The dilatory manner in which this business, in spite of all my efforts, has proceeded, has caused me excessive vexation and anxiety. The weakness of their administration; their multiplied embarrassments; and their inveterate habits of procrastination, all concur to make them try to postpone a settlement, which they have agreed upon, and which it is most impolitic in them to defer. I have recently made a series of pressing remonstrances on this subject, and declared to them that if these claims are not finally arranged, without further delay, I should report to my Government that I believed the intention was to protract a settlement indefinitely, and that the whole would prove illusory. This has produced some effect; and I am still in daily correspondence on this subject, and using every effort to bring the business to a conclusion.

I had hoped to transmit, by this occasion, copies of this correspondence, together with a full statement of every circumstance relating to these claims; stating those which are agreed upon, those still pending, and those which I have declined bringing forward, or suspended until further orders, that the President may be enabled to form an opinion on all the points involved in this negotiation. But as some progres is making, I shall defer this report a little longer, but in the course of a few days it shall be transmitted.

The Vandalia is the only one of our ships of war at present in the bay. At my last accounts, February 22d, the Boston, with Commodore Creighton, was at Buenos Ayres; the Hudson, in charge of Captain Hoffman, at Montevideo. The Pacific relief ships are daily expected here on their way. Admiral Otway in the Ganges, with the Thetis frigate, are the only English ships at present here. Admiral Roussin, in an eighty-four, has with him two frigates and two or three smaller ships. Four or five other ships, belonging to the French squadron, are on the coast.

I enclose a duplicate of my last letter,

And have the honor to be,
With high respect,
Your most obedient servant,
W. TUDOR.

To the Hon. SECRETATY OF STATE, *Washington.*

No. 124.

Mr. Tudor to the Secretary of State.

LEGATION OF THE U. S. A.,
Rio de Janeiro, April 5, 1829.

SIR: I had the honor to receive your despatch No. 9, the 6th of February; No. 10, by the Vandalia, March 23d; and No. 11, by the Guerriere, March 30th.

The case of the Budget, which forms the subject of No. 10, I brought again before the Government in consequence. It is one of the four cases on which the appeal is undecided, and the only one of them liable to any objection—a subject I will explain more fully hereafter.

Your despatch No. 11, informing me that the President had accepted my resignation, and kindly given me leave to return on account of ill health, accompanied by such decisive expressions of his satisfaction with my conduct in negotiations, for many reasons delicate and arduous, and which have occasioned me unremitted efforts and anxiety, I need not say was most grateful, and for which I offer my most sincere acknowledgments.

The expressions of that despatch encourage and perhaps authorize me to add a few words in explanation of my views in resigning. A residence of five years in very debilitating climates, that of Peru especially, being one of the most insidious and weakening in the world, had so impaired my strength that I have been exposed to almost constant suffering, and a change of climate only would prevent a total loss of health. I thought it improper to ask leave to return without at the same time resigning, that the President might be able to fill my place at a Court where it is, on many accounts, expedient that the United States should constantly have a representative.

Disinclination or lukewarmness towards the service of my country, or dislike to the diplomatic career, formed no part of my motives. The former affords a high gratification to any citizen who regards our republic in the light which I do; and for the latter, many of the habits and pursuits of my life, as well as the actual exercise of the duties of a chargé d'affaires for the last five years, have given me such a degree of qualification as my talents are susceptible of acquiring, and I therefore request you, sir, to say to the President that he may command my future services.

We had, yesterday, a full levee at Court, on the anniversary of the young Queen of Portugal's birth. The English, after absenting themselves on two previous occasions, were all present. I had the honor to present to his Imperial Majesty, Commodore Thompson, Captains Gallagher and Sloat, the Rev. Mr. Stewart, chaplain, Mr. Slacum, consul for Buenos Ayres, Mr. Armstrong, navy agent for Lima, and Lieutenant Sands. The Emperor expressed his gratification on the occasion. I was informed, by a gentleman of the diplomatic corps, that the Emperor had ordered the return of his daughter, and she was expected in May.

I was present by invitation, at the formal opening of the extra session on the 2d instant. The Emperor read a short speech, the substance of which was, that one of the original motives for convoking the Assembly—the expected arrival of the Portuguese emigrants—was at an end; but the very urgent state of their finances would require their undivided attention and immediate measures to produce relief. The speech was wholly occupied with this subject, and no allusion was made to foreign Powers, as had been expected. A plan has since been submitted by the Minister of the Treasury, which is not yet printed. Much warmth, however, is expected during the session; and it is said that a majority of the members are resolved to lay no tax, but are willing to authorize a loan, which must now be negotiated at a disadvantageous rate. The deputies from St. Paul's, always one of the most energetic and important provinces of Brazil, have not yet arrived; and, it is said, are all coming to act resolutely in opposition.

The wretched habit of perpetual distrust and suspicion, common in all South America, the consequences of ancient despotism, and showing, at once, the prevalence of that duplicity and Machiavelian policy that oppression sometimes rendered necessary, and which too many South Americans fancy to be the highest political wisdom, as well as the manner in which more generous and virtuous statesmen are often paralyzed in their efforts, may be exemplified in the accounts recently given me by an intelligent foreigner, long established in that province, and possessing the confidence of its delegates. He says they believe that the Emperor is wholly insincere; that he and Don Miguel perfectly understand each other; and that the only object of the Emperor is to get as many Portuguese as possible into this country, in order to control the natives, and subject it to his arbitrary sway. With this belief, they will do nothing to alleviate the difficulties of the Government, and will thwart all the plans of the Emperor to the utmost of their power. I confess that these suspicions, opposed as they are by notorious facts, appear to me the most extravagant and absurd; but their existence and pernicious operation show how arduous it must be, where they prevail, to carry on a constitutional Government, when a reasonable confidence, an essential ingredient of patriotism, is wholly deficient.

I am making every effort to conclude the pending claims, and expect to get through all but four, which are undecided by the court of appeal, that I fear must be left to my successor. I have, however, addressed already the minister more than once respecting them, and will do every thing in my power to prepare their settlement at an early period. I hope by the next opportunity to give you a full explanation of this negotiation, as promised in previous letters.

The Vandalia sailed this morning for Montevideo. I had a letter from Commodore Creighton yesterday, to say that, on her arrival, he should sail for this place, bringing, I suppose, the Boston with him, and that she will sail for home soon afterwards; and I shall make every exertion to embark in her. The St. Louis sails for Valparaiso the day after tomorrow, and the Guerriere will follow in a few days. The English and French squadrons remain as before. There are no later accounts from the northern provinces.

My last was merely a letter of advice to accompany a bill of exchange. I enclose a duplicate of No. 122, and

I have the honor to be, with high respect,

Your most obedient servant,

W. TUDOR.

To the Hon. Secretary of State,
Washington.

No. 125.

Mr. Tudor to the Secretary of State.

Legation of the U. S. A.,
Rio Janeiro, April 18, 1829.

Sir: I am now enabled, after using incessant efforts for several weeks, to state the progress I have made in the settlement of the claims of our citizens on this Government. In order to bring the whole subject under your consideration, and that the President may be able to form an opinion on every point involved, I have divided all the cases that have come to my knowledge into classes, with remarks on each one separately, which you will find in the document enclosed. But, in order to decide on the whole of this negotiation, and the course I have pursued, it will be necessary to make some general observations, and which, for the motives above stated, I hope will be indulgently received, though they may extend to a great length. I will begin with a concise view of the chief circumstances that were presented to my consideration on my arrival at this Court.

My reception by the Emperor and his ministers was highly courteous and friendly, and the latter gave me assurances that all our claims should be fully satisfied. The English minister, Mr. Gordon, vexed at some instances of what he considered personal ill treatment by the Emperor, while all his representations against the injuries inflicted on his countrymen were disregarded, and further irritated at the prospect of seeing the American and French claims settled, was preparing to return to Europe, having been appointed to go to Madrid, and fully determined to excite his Government to the most decided course, which would be facilitated by his brother, Lord Aberdeen, being at the head of the Foreign Department.

The French minister, the Marquis of Gabriac, in pursuance of recent instructions from the *new* ministry, had thrown off the indifference with which he had previously viewed the spoliations of his countrymen, and had begun to make earnest demands of satisfaction, and was powerfully aided, a few days after my arrival, by the entry of a French squadron of eleven sail of vessels, commanded by Baron Roussin, an excellent officer, and of distinguished scientific talents, and who had been one of the French board of admiralty. The ministry chiefly confided in this gentleman, and the imposing force he had at command, to bring their negotiation to a successful issue.

The Marquis of Gabriac received permission to return to France on a visit; and he embarked about two months afterwards, first forming a convention with this Government for the settlement of their claims, the ratification of which was received here in February.

The Swedish claims were in the hands of the consul general of that nation, acting as chargé d'affaires; but he is so personally obnoxious to the ill-will of this Government that they will never treat with him, and therefore decline a treaty which he has powers to negotiate.

The Danish minister was only waiting for the ratification of a treaty he has made, and was averse to bring forward any claims, because they had counter-claims to make on account of Brazilian prizes carried by privateers or pirates to the island of St. Thomas and sold there.

The Dutch minister had fortunately no claims to make, and only came out to procure some alterations in a treaty made by the Dutch consul general, and which was not satisfactory to his Government. The Danish and Dutch ministers have returned to Europe, and consuls general are now the highest agents of those two Governments.

In regard to Brazilian affairs, the first steps had been taken for putting an end to the war with Buenos Ayres, which had signally disappointed their expectations, thrown discredit on their military and naval force, occasioned enormous expenditures, and produced a depreciation of their currency in bank notes, gradually increasing. Foreign nations were growing more clamorous in their demands for the spoliations they had suffered in this unfortunate war, and which would serve to increase the deficit in their finances. The majority of the House of Representatives were loud in opposition, and accusing the ministers, who were uneasy at their threats. Their commerce was almost wholly merged in the slave trade, whose stipulated cessation the present year made them use every exertion to make the most of it, and the large drain of dollars it occasioned still further depressed their currency.

After this sketch of affairs here, particularly those of foreigners, I will advert to some points of our own, and to the state of public opinion at home. In the first place, on perusing the despatches and documents from the Department, together with some additional ones collected here, I found that the whole amount of just claims did not exceed $150,000; which amount, however, has been nearly doubled by others subsequently received. At the same time, I knew that an irritated feeling existed in the United States on the subject of Brazilian conduct towards us, and I saw statements in respectable American papers that *millions of dollars* had been plundered from us. The fact is, that the greatest exaggeration has been practised on this topic. The gross ill treatment of some of our citizens had excited a sensibility which, I trust, will ever be roused when our countrymen are personally injured. This formed a solid basis for remonstrance, on which a monstrous structure of complaint had been reared.

Other points, of the highest importance, were to be duly considered. Our commerce was laboring against a discriminating duty of 9 per cent., in itself a fair mercantile profit in peaceable times; and this commerce, very considerable, was steadily increasing, and must go on to increase if no obstacles intervene, with the development of the natural resources of this immense territory.

The settlement of our claims was indispensable for our honor, and for the interests of our citizens; but still, in mere pecuniary value, they were incalculably inferior to the object of promoting our commerce with this country, and placing it under the protection of fixed and liberal stipulations.

This object of paramount importance I would not for a moment forget, while directing my efforts to obtain reparation for the just complaints of my countrymen; and that I was intrusted with plenipotentiary powers to negotiate a treaty whose commercial, and, in some respects, even its political consequences, would be of very high moment to the United States.

Reflections of a political nature, of very extensive bearing, were to be taken into consideration. The principal sovereigns of Europe had followed, with a degree of natural predilection, the transfer of one of their companions to the establishment of the only monarchy on this continent. England, of course, was the first to extend her ancient connexion with the house of Braganza, the present head of which had made himself independent in this new sovereignty; and to obtain favors for her trade and manufactures in this extensive region. France followed, after a time, to establish a rivalship in the same objects, and prevent the influence of England from being as predominant in Brazil as it had long been in Portugal. The second-rate commercial Powers took a similar course, and Prussia, Denmark, Holland, and the Hanse Towns formed treaties with Brazil. The family alliance which connected the Emperor with Austria brought that Power into intimate relations with this Court These connexions with the sovereigns of Europe, and the habitual dislike and enmity prevailing between the two races of Spanish and Portuguese origin, were naturally calculated to increase a vague kind of prejudice or indifference towards the republics of America; and were in danger, under the natural influence of habit and monarchical sympathy, to make the Emperor and his Court lose sight of the true policy, that is essential to his position and the interests of his empire, and to create an erroneous peference for European sovereigns and connexions. It was highly necessary to inculcate here, that the policy of this empire should rise above such considerations; that political institutions and forms could not change the direction of such circumstances as were inseparably united with geographical position; that the system of America should be essentially a liberal one, after being so long the victim of European monopoly, though the United States were much less so than the other sections; that the colonial system and navigation laws of the old continent were radically injurious and offensive to every American Government, and to none more so than Brazil; that the whole was now emancipated from foreign domination, in which memorable event the United States had taken the lead, by establishing their own independence, which had almost inevitably brought about that of the whole continent; and that a tacit understanding between the United States and Brazil, in which all the other States would join, must infallibly in a few years destroy the last vestiges of the colonial system, of which portions were still perversely and unwisely maintained by some of the European States. I have dwelt on these topics on all suitable occasions, and, I believe, not without effect: the United States are certainly regarded more favorably than any other foreign Power by the Brazilians generally; the ministers have constantly assured me that the Government was equally desirous of being on the most friendly terms; and I have had intimations that the recent opposition and even injustice which the Emperor has met with from some of his European allies has not a little disgusted him and made him more disposed to consider and value the genial though unstipulated co-operation of the United States in some objects common to both, and the disinterested character of our friendship.

I ask leave to make, in relation to this topic, a few suggestions, which are submitted with the most entire deference. The European Courts are very assiduous in their watchfulness here; the wants and productions of this country already offer the means of an extensive trade, and its territory is immense. I hope therefore that the President will name a minister for this Court; a chargé d'affaires is too subordinate a station to have much influence, and has no direct intercourse with the Emperor beyond the ceremony of a few words on a public Court day. I need not repeat the motives which make such an appointment expedient, and I am persuaded they will gladly correspond to it. The liberal and most enlightened part of this nation look to us with more regard and good-will than to any other nation; they wish to cultivate a good understanding with us, from inclination towards our system of Government, and to detach the Emperor from too close a connexion with European Courts. This topic has been mentioned in their Legislature, and the ministers reproached with not cultivating a friendship with the United States, and they defended themselves by saying that they had not neglected it; and I have been told that Mr. Rebello had been authorized to propose a mutual appointment of ministers plenipotentiary. I will venture to add another suggestion: if the person selected does not know Portuguese, at least he should speak French; without these languages he can hold no direct communication with the Emperor, who speaks no others. Indeed, for a diplomatic employment, a man who knows only one language is as unqualified as a man with one arm for a soldier. The common language in all diplomatic circles is the French; without understanding this idiom, a minister must lose a great deal that it is important for him to know, and can never obtain any intelligence except second-hand, and is of course cut off from almost all that is of a confidential nature; besides feeling a degree of mortification at not possessing a language used as a common medium, and which no foreign diplomatist is without. But in the other South American States a knowledge of Spanish should be an indispensable requisite. Of all the different persons connected with the Government of Peru during my residence, and they were many, there were none that spoke English except some aids-de-camp of General Bolivar, and Mr. Pando, at one time Minister of Foreign Affairs. Every diplomatic agent in those countries without a knowledge of the language, as even French is little known, must be wholly dependent on the intervention of others, and of course almost necessarily be deprived of all intimate confidences; and of little further use than in corresponding with his own Government, to which he can seldom send any information beyond what may be found in a newspaper. On this subject much might be added.

To return from this digression. In addition to the difficulties before mentioned, that were involved with our claims, I must add that, in too many cases, there was a great deficiency of documents, and very often exaggerated statements in the accounts. Those cases in which our citizens had received ill treatment excited my particular attention. Those of the Panther and the Hero were of this description; but except for this reason, there was no just claim on this Government. I should not have presented them, had it not been to obtain satisfaction for personal wrongs, and to impress on this Government more strongly that injuries of this description, even to the humblest citizens of the United States, would never be endured by their Government. I refer to the enclosed document for particulars of these two instances.

The claim for the brig Spark I made a case apart; it was the first settled, and it is the only one for which any nation has yet received any thing from this Government. I made this distinction, because the affair took place under the immediate eye of the Brazilian ministry, and because the treatment my predecessor, Mr. Raguet, received on the occasion, was the immediate cause of his demanding his passports. I asked for the original demand, and declined any diminution of it; and, in the opinion of persons capable of judging, the owner was very amply remunerated. But I have been told that some American newspapers, which I have not seen, had expressed a dissatisfaction with my conduct in this settlement; that it had been concluded merely as a commercial transaction, but that I ought to have demanded national satisfaction. Such a lofty tone I should not shrink from maintaining when directed so to do, or when I conceived that the honor of my country demanded it; neither of which requisites existed. The truth is, that the case of the Spark was seriously vitiated by the facts involved in it. In the first place, she had cannon in her hold, which were not declared in her papers, and which, under the circumstances of the vessel, of that period, and of her ulterior destination, furnished a most serious objection against her. In the second place, the captain, vexed that he could not sell the vessel to this Government, had, with excessive indiscretion, declared publicly that he would go to Montevideo, obtain a commission from Buenos Ayres, and cruise against Brazilians. He took on board a number of passengers, and cleared for the above-mentioned place. All these circumstances, no doubt, with exaggeration, were denounced to the Government; and, if the simple natural course of denying a clearance till all objections were removed had been taken, this Government would have avoided all demands upon it. Fortunately for the owner, the inexperience and folly of the then Minister of Marine induced him to order her seizure, in a violent and offensive manner, and thus furnished ground for insisting on full pecuniary reparation to the owner; but, in my apprehension, the facts of the case did not require, and would not have justified, the making it a point of honor to demand a national apology; and in this view of the subject, I am sustained by the opinion of persons on the spot, very competent, from their standing, to judge of the question.

For reasons which I have enlarged upon in previous letters, a negotiation with this Government is vexatious, difficult, and dilatory, to a degree which can hardly be imagined by those who have not tried it, and feelingly considered so by all who have. It has been to me a constant source of anxiety.

If you take the trouble to look over the accompanying documents, especially those from No. 8 onwards, you will see a specimen of the urgent tone I have been obliged to use, though less than what I was compelled to employ just before the return of the Macedonian; notwithstanding I have constantly received courteous treatment, and escaped those offensive letters from which other foreign ministers have not been exempt. I would ask your particular reference to one of the minister's letters, (No. 14,) and my answer, (No. 17,) in which I was obliged to reject his compliments, avoiding to do so in an offensive manner. To conclude this subject, I have the negative consolation of knowing that, if I have not been able to settle every point as I could wish, I have at least effected more than has yet been done by my colleagues, though sustained by an imposing force to carry into effect their direct threats. The English negotiation is yet undetermined, and [the two nations are] seemingly on the verge of unequivocal hostility. The French have settled three principal cases, but several others remain to be arranged; they were also out-manœuvred in the matter of the exchange by which they are to be finally liquidated, and of course their claims will be inadequately paid. You will perceive by the enclosed correspondence what efforts and positive declarations, on my part, were necessary, to avoid being subjected to a similar loss. A copy of the French convention is among the documents, as allusion is made to it in the correspondence. I consented, for the sake of facility, to accept its conditions as a basis, (with the exception of the injurious rate of exchange,) because I knew it would be impossible to obtain better terms than the French minister, aided by his admiral, could get; and for reasons explained in former letters, I had declined the alternative of entering into a formal convention, for which I had the full powers, but which was left to my discretion.

I wish only to add, in justice to this Government, that in all my correspondence with it, the business of the claims excepted, I have met with the utmost promptitude, and received general satisfaction. Various favors, in the remission of duties, &c., for my countrymen, have been granted to me; and especially the abolition of the practice of sealing the hatches of vessels, which has been for several years an enormous evil to the commerce of every nation, was, I believe, hastened by my representations: they wished, indeed, that I should believe that it was entirely owing to them. To conclude, I think our relations with this country are worthy of particular attention, for the reasons above alluded to; and I believe it will be practicable for a minister to render important services, not only in overlooking our immediate interests, but in giving a right direction to the course of this Government in several points of general American policy.

I have the honor to be,
With the highest respect,
Your very obedient servant,
W. TUDOR.

To the Hon. SECRETARY OF STATE.

Statement of the claims of American citizens against the Government of Brazil, with remarks on each case, divided into two classes: 1st, Claims finally liquidated; 2d, Claims adjusted for liquidation.

CLASS FIRST.

Claims finally liquidated.

Brig Spark.—The sum originally demanded was insisted upon, viz: thirty-five thousand dollars. This was turned into milreas, at the exchange of the day of settlement, which was 1,750 rs. to the dollar; the par being 800 rs. Bonds were given for the amount in three terms, six, twelve, and eighteen months; the first became due in February, and was paid.

Further particulars of this case have been mentioned in the accompanying letter.

Bonds of the Spermo.—These bonds were executed at the time of the vessel's seizure at Pernambuco, and were given to allow her to depart for the United States.

The amount was eight thousand milreas; according to my instructions their cancellation was insisted upon and obtained.

Brig Ontario.—This vessel was bound from Bahia to Rio de Janeiro, having on board, as passengers, some deputies to the National Legislature. On her passage she was spoken by an Argentine privateer, commanded by an American, a townsman of the supercargo of the Ontario. The latter had the indiscretion to go on board the privateer to visit his countryman. The privateersman examined the trunks of the Brazilian passengers, and rifled them of a considerable sum in gold, which those gentlemen were bringing to pay their expenses during the session of the Legislature. To this visit of the supercargo they imputed their loss, supposing that he had given information to the commander of the corsair. On arriving at Rio Janeiro the vessel was detained several days, the passengers wishing to make her answerable to them. The amount claimed was partly for this demurrage and in part for the loss of profit in some passengers who were engaged, but who went by another vessel. The whole amount claimed was $1,742 31.

The commissioners agreed with the agents to give milreas for dollars, which was quite as much as the claim was worth; the amount being so small was paid at once.

CLASS SECOND.

Claims adjusted for liquidation.

Brig Ruth.—This was one of the most unjustifiable of all the captures, without any pretext that was even specious; and the bad treatment received by the supercargo and captain, aggravated the injustice. After the case was settled, I told the minister that I could not sign the award, unless some compensation was given to the persons above mentioned. I proposed three thousand milreas, to which he assented; two-thirds to the supercargo, and the remainder to the captain; the former having suffered most. The award is as follows:

Vessel $4,884 and 1,904.334 rs.; cargo $13,744 and 10,002.919 rs., with 6 per cent. interest from September 1, 1826, on the part belonging to the vessel; and 5 per cent. on the cargo, from February, 1827, till paid.

N. B. In all the cases the interest is 6 per cent. on what is allowed for the vessel, and 5 per cent. on what is allowed for the cargo, from the dates mentioned in each case till paid.

Brig Sarah George.—The award in this case was very liberal; for the vessel, demurrage, &c. $17,000 dollars, and the cargo 9,458.040 rs. Interest on the vessel from October 26, 1826, and on the cargo from March 23, 1827.

Brig Pioneer.—The cargo of this vessel was English property, which was concealed from me till some time after the claim was presented. The commissioners objecting, on this account, I of course withdrew it, leaving it to be settled with the English demands. For the vessel, detention, &c. $12,000 were awarded. Interest from August 25, 1827.

Ship Panther.—This vessel called at Rio Janeiro in 1823 to obtain water and refreshments. By a mistake of the consignee (which he could have remedied by paying 150 mrs.) in entering the vessel at the custom-house in full, instead of *enfranquia*, it became necessary to declare her cargo, which in fact consisted of only a remnant of one or two articles of trifling value, and about $9,000 in specie, belonging to the captain and crew. The captain was ignorant of the blunder of the consignee, and acted with perfect good faith.

The vessel, however, was liable by their laws to seizure, the cargo to confiscation and payment of double the amount, and the captain to imprisonment, till all these demands were satisfied. The vessel and money were seized, and the captain imprisoned. Mr. Raguet, not aware of the facts in the case, and urged by feelings of humanity, and what he supposed to be justice, as well as equity, made the most strenuous efforts in the business, and after twenty-seven days' detention, the captain was released, the property all restored, and the vessel sailed. The consignee, however, was to blame, and should have been justly responsible for all the damages. They proceeded according to their laws, though these are excessively harsh; but, as the captain was wholly blameless, and behaved with great firmness and propriety, I urged the claim on the ground of ill treatment of an American citizen. The award given was $2,000—1,500 to cover the demurrage, and 500 indemnity to the captain, with interest from August 6, 1823.

Schooner Hero.—This vessel sailed from Beunos Ayres during the blockade, with a cargo of nutria skins, &c., valued at 39,000 milrs. bound to the United States. Soon after sailing she sprang a leak, and was obliged to put into St. Catharine's in a sinking condition. The captain at first met with no obstruction, and repaired his vessel, but just before he was ready to sail, was accused of being a pirate, sent with his mate, both in irons, to Rio Janeiro, tried here immediately on their arrival, condemned as pirates, and put to work in irons on board the prison-ship. As soon as the consul, Mr. Wright, knew of their situation, he interfered, procured their release, and they were allowed to return to St. Catharine's. On arriving there he found the vessel had been robbed, and was not worth repairing, and he returned to the United States. His protest, with the strong language contained in the despatch No. 5 to me from the Department, enabled me to claim compensation for these injured men. The property, belonging to merchants of Beunos Ayres, (though Americans,) I should not have claimed, but as so much injustice and outrage had been practised, I thought the lesson might be more impressive if they paid something for it, and directed the agent to present the accounts. It is to be added that, besides the domicil of the owners, the supercargo, by the open part which he and others of his family had taken in rendering services to the Buenos Ayreans, was particularly obnoxious to the ill-will of this Government; the documents also were so loose and defective that they were really null; and further, the supercargo had barred all claims, by consenting to receive back the property. The commissioners settled it fairly, on principles of mercantile law, and all they could possibly be supposed to be answerable for was a proportion of the damage. They awarded $3,190 demurrage for the vessel, $1,000 to the captain, $800 to the mate, and $210 between them, for expenses, as indemnity for their ill treatment; and for indemnity on account of the cargo 10 per cent. of its value, equal to $1,670; whole amount of the award $6,870, with interest on the vessel and indemnities to the individuals from November 20, 1827, and on the cargo from same date. It is evident that no just claim existed in either this or the preceding case, except for the ill-treatment of the individuals commanding the vessels.

Brig Nile—was seized in the river Plate, coming from Canton, with a valuable cargo, bound to Buenos Ayres. She was detained 27 days, and then released. The claim was for demurrage, and interest on the value of the cargo. The documents were imperfect, but the facts of the case I knew to be well founded. The award was 3,000 milreas.

Brig Rio.—This vessel was detained at Montevideo 86 days, and then released. For this demurrage $2,150 were allowed for the vessel, and $2,339 for the cargo, in all $4,489.

Schooner Amity.—This was a small vessel, chiefly laden with lumber, and was burnt at the Salado. The documents and vouchers were of the most loose and imperfect description. The award was $6,900 on account of the vessel, freight, compensation to the captain, &c., and $2,710 for the cargo—with interest on the former from March 18, 1828, and on the latter from November 1, of the same year. Total $9,610.

Brig Hussar.—This vessel was also burnt at the Salado, just before the termination of the war—an English brig with a cargo of £25,000 being burnt at the same time. A very small part of the cargo belonging to the captain was claimed.

The award was $15,375 on account of the vessel and freight, and 2,441.583 rs. on account of the cargo; interest on the former from October 1, 1828, and on the latter from November 1, same year.

Ship Spermo.—This ship was seized for an alleged breach of blockade at Pernambuco in 1824. The vessel was allowed to depart under bonds, (cancelled recently at my requisition,) acquitted in the first court, and finally condemned, after a long delay by the court of appeal in Rio Janeiro. The claim for the vessel was in behalf of the underwriters; for the cargo, for the owners. It has been settled by an award in milreas, valuing the dollar at 1,500 rs. (the par is 800.) This the agents, experienced merchants, considered more advantageous than a settlement in dollars. For the vessel, &c. 33,075.000 rs.; interest from January, 1827; cargo 41,907.000 rs.; interest from April 5, 1825.

Schooner Hannah.
Schooner Adams.
Schooner Tell-tale.
Brig Budget.

Of these four cases, the *Hannah*, *Adams*, and *Tell-tale* are in the act of settling, but I am unable to give the details; the *Budget* I have some hope also of arranging.

Terms of payment.—Bonds are to be given for the amounts, payable at three periods of twelve, eighteen, and twenty-four months, and all to be dated February 28, 1829.

List of the following documents, containing the correspondence with the Brazilian Government from January 15 to April 30, inclusive.

No. 1. Letter to the Marquis of Aracaty, respecting an error in an official decree of the Minister of the Treasury; the exoneration from duties of money shipped for the use of the Hudson; and the authorizing an agent of the consul at Pernambuco to continue performing consular duties at the port of Maceio, in Alagoas.

No. 2. From the Marquis of Aracaty, in answer to the preceding, agreeing to all the points stated.

No. 3. To the Marquis of Aracaty, urging the request that the commissioners may be directed to proceed with the examination of the claims.

No. 4. From the Minister of Foreign Affairs, to say that the duties paid on the money shipped for the squadron has been refunded.

No. 5. From the same, to say that my representation against the delay of the commissioners has caused orders to be given to terminate the business as soon as possible.

No. 6. Letter to the Marquis of Aracaty, making some statements and suggestions relative to the claim of the South American Steamboat Company.

No. 7. Letter to the same, enclosing two new cases for examination; withdrawing, for the present, one already presented; and acknowledging the receipt of three notes from him.

No. 8. Letter from the Marquis of Aracaty, making an urgent representation against the delay of the liquidation of the claims.

No. 9. Letter from the Marquis of Aracaty, in answer to the preceding.

No. 10. Letter to the Marquis of Aracaty, in reply to the last.

No. 11. From the Marquis of Aracaty, communicating the want of documents in the cases of the Spermo and the Pioneer.

No. 12. To the Marquis of Aracaty, in reply to the preceding, adding further explanations on the subject of the claims, and urging their immediate conclusion.

No. 13. Letter to the Marquis of Aracaty, making a representation in the case of the Budget, as directed by despatch No. 10, from the Department.

No. 14. Letter from the Marquis of Aracaty, stating the conditions of liquidation as requested, and maintaining that the pledges of the imperial Government, given at Washington, had been effectually redeemed by the settlement of the cases already adjusted.

No. 15. Letter from the same, giving an answer respecting the case of the South American Steamboat Company.

No. 16. Reply to the preceding letter, on the case of the Steamboat Company.

No. 17. Letter to the Marquis of Aracaty, requesting more explicit statements as to one of the conditions of the settlement, and adverting to other topics contained in his letter, (No. 14 above,) connected with this negotiation.

No. 18. Copy of the convention between France and Brazil, alluded to in the previous correspondence.

No. 19. Letter to the Marquis of Aracaty, requesting a precise statement relative to the exchange at which the claims were to be liquidated, and pressing the conclusion of the Spermo's case.

No. 20. Note from the Minister of the Interior, communicating his being charged, *ad interim*, with the Foreign Department.

No. 21. Note from the same, stating the terms in which the claims would be finally liquidated.

No. 22. Note to the Minister *ad interim*, acknowledging the receipt of the two preceding, and requesting the conclusion of the Spermo's case.

No. 23. Letter to the Minister of Foreign Affairs, stating the violent seizure of some specie landed from the Guerriere frigate, for the service of the United States.

No. 24. Note from the Minister of Foreign Affairs, acknowledging the preceding letter, and saying that the Spermo's case was ordered to be settled.

No. 25. Letter to the Minister of Foreign Affairs, urging the settlement of the four cases pending in the court of appeal—those of the Budget, Hannah, Adams, and Tell-tale.

No. 26. Note from the minister, explaining that as three of the cases (those of the Hannah, Adams, and Tell-tale) were decided in the court, the commissioners were ordered to take them up and settle them; and that the Budget, so soon as the court had acted upon it, should also be given to them for a settlement.

No. 27. Note from the Minister of Foreign Affairs, saying that the money seized must undergo the forms of law, but his Imperial Majesty had given orders for the amount to be made good from the treasury, and requesting me to draw an order on the treasury for the sum.

No. 28. Answer to the preceding, declining to give an order on the public treasury, as an irregular course of proceeding, and requesting that an order may be given by the minister to restore the money to Mr. Wright, who is exclusively charged with the business.

No. 1.

Mr. Tudor to the Marquis of Aracaty.

Legation of the United States of America,
Rio de Janeiro, Jan. 15, 1829.

The undersigned, chargé d'affaires of the United States of America, has the honor to address his excellency the Marquis of Aracaty, Councillor, Minister, and Secretary of State for Foreign Affairs, to enclose an order of his excellency the Minister of Fazenda, respecting the return of certain duties in the case of the American brig *Thule*, which, in the document enclosed, is styled *Thetis;* and, in consequence of this clerical error, the intention of the minister cannot be carried into effect till it is altered to read *Thule*, instead of *Thetis*. The undersigned regrets to molest your excellency with this business, but is obliged to request it may be transmitted to the Department of Fazenda, that the requisite correction may be made.

The consul, Mr. Wright, as navy agent, having put on board the frigate Hudson seven thousand dollars for the use of that ship, has shown the undersigned the note of Mr. de Lisboa, in answer to his application for a return of the duty, requesting the undersigned to address your excellency on the subject. It is only necessary to state, that the money is for the public service of the United States, and is not to be taken out of the country, but is intended for the payment of the officers and men, and the current expenses of the ship, and will be expended within the empire.

The undersigned has received a letter from Mr. Mansfield, consul of the United States at Pernambuco, in which he states that his consular agent, Mr. Gideon T. Snow, at the port of Maceio, in Alagoas, has received a notification from the President of the province that his appointment must be sanctioned by his Imperial Majesty. By the regulations of the United States, every consul has a right to name agents or vice-consuls in the several ports within his district, for whose conduct the said consul is answerable. Mr. Mansfield writes me that he is well contented with the conduct of Mr. Snow, and that his agency is useful, and he hopes that he may be allowed to continue it, and requests the undersigned to solicit your excellency to instruct the president of the province to allow him to exercise his functions. As this case is a little different from the recent one of the consul at Bahia, the undersigned submits the subject to your excellency, and only adds his wish that the aforesaid Mr. Gideon T. Snow may be sanctioned to act as the agent of the consul at Pernambuco, for Maceio, in Alagoas.

The undersigned, who has been prevented for some days by indisposition from calling on your excellency, as was his intention, avails himself of this opportunity to repeat the assurances of his high respect and consideration.

W. TUDOR.

No. 2.

The Marquis of Aracaty to Mr. Tudor.

Palacio do Rio de Janeiro,
Em 15 *de Janeiro de* 1829.

O abaixo assignado, do conselho de sua Magestade o Imperador, Ministro e Secretario d'Estado dos Negocios Estrangeiros, tem a honra de participar ao Sor. W. Tudor, encarregado de negocios dos Estados Unidos da America, em respostu a sua nota datuda de hoje: que quanto ao primeiro objeto da referida nota, ficão expedidas as ordens a repartição dos Negocios do Fazenda para se rectificar vengano occorrido a respeito da denominação do brigue *Thule*, que erradamente tomarão por *Thetis*. Quanto ao segundo, ficão tambem expedidas as ordens para se restituarem ao consul, Mr. Wright, os direitos que elle pagon relativos aos 7,000 dollars embarcados abordo da fragata Hudson, visto não serem destinados para exportação porem para as desperas do serviço da sua nação, como o Sor. Tudor assevera na referida nota. Quanto finalemente ao que o Sor. Tudor represente a respeito do agente consular da sua nação establecido no porto de Maceio, cumpre ao abaixo assignado declarar que o embaraço alli ponderado não procedeo de maneira nemhuma de se desejarem interromper nemlevemente as relações commerciaes existentes entre as duas naçoens: porem de huma circular que se expedio aos presidentes de todas as provincias maritimas do imperio, a que de o motivo o constar na presença de sua Magestade e Imperador, que se achão ao muitos consules exercendo as suas funcçoens nellas sim primeiramente haber obtido o imperial bene placito, e tirado como lhes cumpre, o competente diploma por esta Secretaria d'Estado dos Negocios Estrangeiros: devendo o abaixo assignado certificar ao Sor. Tudor que ficão expedidas as ordens ao presidente da provencia para admittir e reconocer o referido agente consular na forma do costume.

O abaixo assignado prevalece se desta occasião para renovar ao Sor. Tudor os protestos de sua estima e obsequio.

MARQUEZ DO ARACATY.

No. 3.

Mr. Tudor to the Marquis of Aracaty.

LEGATION OF THE UNITED STATES OF AMERICA,
Rio de Janeiro, *January* 24, 1829.

The undersigned, chargé d'affaires of the United States of America, has the honor to address his excellency the Marquis of Aracaty, Councillor, Minister, and Secretary of State for Foreign Affairs, and to represent to him that there is still an unexpected hesitation on the part of the commissioners to proceed in the long-protracted examination of the claims, though the answer of his excellency, dated the 5th instant, to the representation of the undersigned dated the 20th ult. on this same subject, assured him that the commissioners should be directed to proceed without delay. The undersigned was, notwithstanding, informed by one of the agents yesterday, that, on application to the commissioners to proceed in the business, he was told they could not do so till they received the instructions of his excellency the Marquis of Aracaty. It becomes necessary, therefore, for the undersigned to renew the request in the most earnest manner to your excellency to give the requisite direction for the prosecution of the examination.

The undersigned avails himself of the occasion to request his excellency the Marquis of Aracaty to accept the assurances of his very high respect and consideration.

W. TUDOR.

No. 4.

The Marquis of Aracaty to Mr. Tudor.

PALACIO DO RIO DE JANEIRO,
3 *de Fevreiro de* 1829.

Respondendo á nota do Sor. Guilhermo Tudor, encarregado de negocios dos Estados Unidos da America, de 15 do mes passado, na parte relativamente aos direitos que o consul da sua naçāo pagon sobre os sete mil pesos destinados para as soldadas das respectivas embarçoens de guerra; cumpreme participar ao Sor. Tudor, que o Ministro e Secretario de Estado dos Negocios da Fazenda me communicar haver expedido as necessarias ordens ao administrador de diversas rendas nacionaes para serem restituidos ditos direitos.

Reitero ao Sor. Tudor as expressoens de meu obsequio e estima.

MARQUEZ DO ARACATY.

No. 5.

The Marquis of Aracaty to Mr. Tudor.

Palacio do Rio de Janeiro,
3 de Fevreiro de 1829.

O abaixo assignado, do conselho de sua Magestade o Imperador, Ministro e Secretario de Estado dos Negocios Estrangeiros, accusa a recepção da nota que em 24 do mes passado lhe dirigio o Sor. Guilhermo Tudor, encarregado de negocios dos Estados Unidos da America, representando contra a demora que tem havido da parte dos commissarios Brazileiros em continuarem no exame das reclamaçoens dos ciudadaos Americanos em consequencia de arrestaçoens que foram feitas pela esquadra Brazileira no Rio da Plata; e tem de responder ao Sor. Tudor que como ja teve o gosto de expressar lhe verbalmente, se passarem as ordens necessarias sobre o assumpto e confia que em sua execução havera toda a possivel brevidade.

O abaixo assignado reitera ao Sor. Guilhermo Tudor os protestos da sua estima e obsequio.

MARQUEZ DO ARACATY.

No. 6.

Mr. Tudor to the Marquis of Aracaty.

Legation of the United States of America,
Rio de Janeiro, February 5, 1829.

The undersigned, chargé d'affaires of the United States of America, has the honor to address his excellency the Marquis of Aracaty, Councillor, Minister, and Secretary of State for Foreign Affairs, to lay before him a statement relative to the case of the Steamboat Company, on which he conversed with him in their last interview.

Among the documents relating to claims transmitted to the undersigned by his Government, was a memorial of the "South American Steamboat Company," stating a claim for damages to the amount of $150,000, for expenses actually incurred in fulfilment of a contract made with Mr. Rebello, chargé d'affaires of Brazil in the United States of America, and which contract was rejected here in a very laconic but not definitive manner; as the answer, so tardily given, was only *that it could not then take place—"Por hora não tem lugar."*

Though no reason was officially assigned, it was understood, informally, that some of the conditions of the contract were considered inexpedient, and that Mr. Rebello had exceeded his instructions. Without presuming to decide this latter point, whether Mr. Rebello, in his zeal to secure what he conceived to be an enterprise of great utility to his country, and undertaken by a most respectable company on a scale of very great expense, went beyond his instructions, still his responsibility is entirely superseded by the course taken here, and is transferred to the ministry to whom the engagements were timely submitted. The company, prudently desirous of proceeding safely in the great expenses they were entering into, though Mr. Rebello had exhibited to them that passage in his instructions on which he made the engagement with them, and accompanied it with the strongest letters of recommendation to the Governor of Para and others, resolved to send an intelligent agent to this Court, to ascertain how the contract would be received. The said agent came here accordingly, and made his representation to the then existing ministry; and, if they had expressed any opinion unfavorable to the enterprise, even within *two months* after his arrival, there would still have been time to have sent advices, and have prevented the heavy expenses that were incurred. But it was not till *after seven months'* anxious attendance, that the vague rejection, already cited, was given; and after the company had made every exertion, and entered into the heavy disbursements before mentioned, and when one of their steamboats had actually arrived at Para. This unfortunate delay, so ruinous to them, transfers the responsibility of Mr. Rebello to the ministers here; and the company have the most equitable right to look to the Government of his Imperial Majesty for redress from the losses which their delay in acting upon so unjust a subject occasioned. The company had certainly a right to presume that the contract of Mr. Rebello would be ratified by his Government, when no decided objection was made to it; and when it was represented by their agent here, in the most earnest manner, that in their anxiety to lose no time in complying with their engagements, they were proceeding, in preparation for their execution, with all the activity in their power. For these reasons, the undersigned submits the opinion with great confidence to your excellency, that the responsibility for the engagements of Mr. Rebello is virtually transferred to the ministers of his Imperial Majesty; and this fact encourages a full reliance on the well-known love of justice which distinguishes his Imperial Majesty to direct that the extensive losses which the company has suffered should be considered in a spirit of the most magnanimous equity.

The undersigned has hitherto delayed bringing this subject under the consideration of your excellency for various reasons, and, among others, that he might receive some information from the company as to their future views; but he has received no other document than their memorial to the President, forwarded to him by the Secretary of State, with others relating to the claims of American citizens.

For these reasons, it is necessary to state that a part of the following suggestions are made without any knowledge of the present views of that company.

Two modes of redress may be mentioned: the first, that their losses should be examined and remunerated on the same principles with the other claims; but if the Government of Brazil should still wish to advance an enterprise which cannot fail of producing great benefits to Brazil, whatever may be the result to the company, that this contract should be renewed, under such modifications as may seem expedient, and the determination made known by the undersigned to the company, to ascertain whether they will adopt the alternative of persevering in the enterprise.

That a scheme so costly in its execution offers a very uncertain result to the undertakers, but the most desirable one to this empire, are points that seem equally obvious. The vast regions that they proposed to explore, are, up to this time, more imperfectly known than any other portion of the globe within the limit of civilized government; while the mighty rivers which traverse it, and the prodigious extent of fertile countries which they water, must in future times cause an amount of produce truly incalculable to be borne on the immense waters to increase the wealth of Brazil. Surely every effort to discover and bring forth the resources of this region must be an object of the first moment to the Government of this country; and even admitting that the company should realize profits from the undertaking to the utmost extent of their calculation, (which, however, a variety of causes may prevent,) yet how utterly insignificant must be the sum total of their gains, even in the most favorable event, to the permanent advantages that would be derived by Brazil!

The undersigned may perhaps be indulged in making, with all respect, an allusion to an important topic connected with this subject. The course of the Amazon and its tributaries is now most imperfectly known, from the scattered accounts of only a few missionaries or adventurous travellers who have descended its current, so that the whole map of it is little more than imaginary. In the present age, when geographical discovery is pursued with such enlightened ardor by most of the principal nations of the earth, and with such costly appropriations, it may be naturally expected that a sovereign of such enlarged and liberal views as his Imperial Majesty the Emperor of Brazil would gladly contribute to the extension of science by patronising an expedition for perfecting a general knowledge of this region, more especially when such an expedition would not merely add to the stores of geography and natural history, but produce inevitably a most important addition to the resources of this rising empire. With a view to this point, therefore, in forming a new contract, it might be stipulated that two men of science for observing the topography and natural history of the country, and selected by his Imperial Majesty the Emperor, should be received on board the steam vessel, and their reports be afterwards submitted to the pleasure of his Imperial Majesty.

On this subject it may be mentioned, that the policy of the United States, from which signal advantages have resulted, has been for many years directed to exploring the Mississippi and the Missouri, with their numerous tributaries, to their sources; and an expedition of two or three vessels is now preparing, at a great expense, to survey several portions of the Pacific ocean, that have been least examined by preceding navigators.

There is another point, on which the undersigned will do no more than make a passing allusion. In a political point of view, whatever tends to promote the interest of that valuable though distant portion of the empire, cannot fail to secure the gratitude of the inhabitants to the Government; and the enterprise of establishing steamboats on the Amazon and its branches must have this effect to a very great extent. Besides, if steamboats are once introduced there, it is quite probable that an establishment will very soon be formed for placing a line of them to run between Para and the capital of Brazil, touching at the intermediate ports; and the utility of such an establishment, considering the great delays that are now unavoidable in the communication between these points, is evidently most desirable to the interests of the empire.

It is unnecessary for the undersigned to dwell on these topics to a statesman so enlightened and so anxious for the glory of his sovereign, and the welfare of this empire, as your excellency; nor would it be suitable for him to do so; but it is certain that they are recommended by the most powerful reasons of state.

The undersigned will, therefore, request of your excellency that the case of this company should be considered in all its merits. If it should be the pleasure of his Imperial Majesty that the company should be encouraged to proceed in their arduous undertaking, and the contract for this purpose be renewed, with such liberal modifications as may induce them to resume their efforts, the undersigned solicits that your excellency would express the determination to him in such terms as may satisfy the company of the intentions of the Government of Brazil, and lead them to appoint another agent to enter into a formal arrangement; and the undersigned would feel gratified in being able to contribute as early as possible to the directors of the company such intelligence as will give them some consolation under the loss they have sustained, and also in seeing an enterprise revived that must largely contribute to increase the prosperity of this empire.

The undersigned duly received the note of your excellency of the 3d instant, with its enclosures, which have been carefully forwarded, and also the notes of the same date in answer to topics in his previous letters; and he avails himself of this occasion to renew to your excellency the assurances of his high respect and consideration.

W. TUDOR.

No. 7.

Mr. Tudor to the Marquis of Aracaty.

LEGATION OF THE UNITED STATES OF AMERICA,
Rio de Janeiro, February 16, 1829.

The undersigned, chargé d'affaires of the United States of America, has the honor to address his excellency the Marquis of Aracaty, Councillor, Minister, and Secretary of State for Foreign Affairs, and to enclose a warrant to the commissioners of claims for two cases, which are all that remain, in his knowledge, that he shall offer at present. There are some which require additional investigation, which may be presented hereafter, should they be ascertained to be well founded. Two or three cases have also been mentioned to him, and the documents promised for examination; but not being yet received, the undersigned will bring them forward subsequently, should they appear to be well founded.

With regard to the case of the brig *President Adams*, already presented, the undersigned, in conformity to what he had the honor to state to your excellency in conversation, wishes it should be postponed until further proof relating to it can be received from the United States.

The undersigned returns thanks to his excellency the Marquis of Aracaty for the letter to the bishop of Anemeuria, and begs him to accept a renewal of the assurances of his very high respect and consideration.

W. TUDOR.

No. 8.

Mr. Tudor to the Marquis of Aracaty.

Legation of the United States of America,
Rio de Janeiro, March 12, 1829.

The undersigned, chargé d'affaires of the United States of America, has the honor to address his excellency the Marquis of Aracaty, Councillor, Minister, and Secretary of State for Foreign Affairs, to state, that having been confined to the house for several days by indisposition, it has been out of his power before to-day to call at the Foreign Office to converse on the delay in the settlement of the claims, which causes him the deepest and most unceasing anxiety.

Mr. de Lisboa told him, on the subject of the Hussar, that the admiral could give no information: this is singular, though it is true that his officers neither asked the name nor the character of the vessel, which was wantonly burnt, her American colors flying, with a valuable cargo, after the peace was signed. With regard to the cargo, however, except a very small part, no claim will be brought forward at present, as the documents are not satisfactory to the undersigned.

The undersigned fully expressed to Mr. Lisboa the apprehensions which, after much reflection, have taken possession of his mind, and irresistibly convinced him that it is intended to protract the liquidation of these claims to an indefinite period. Your excellency will recollect your promises to him that they should certainly be concluded by the end of February, and these promises he duly communicated to his Government.

The unsettled claims may be divided into two classes: those which have been finally acted upon in all the courts; and a few, such as the Amity and the Hussar, which never could come under the cognizance of any tribunal, having been burnt without ceremony or investigation; and the cases on which an appeal is yet pending. There is nothing whatever to prevent the former class from being settled in one week, and even in a less period; but, judging by the manner in which the business is conducted, and the rate of progress, they will hardly be finished the present year.

The undersigned has, from time to time, written to his Government that a progress was making, though slowly, and that the whole would be settled by the end of February. The full weight of responsibility he has assumed now wears upon his mind, and he has lost all hope that his expectations will be realized. The commissioners have been named *six* months, and have settled *six* cases. A fast-sailing vessel will depart for Philadelphia in ten or twelve days, and by a passenger he will have an opportunity of forwarding despatches safely; and, though painful and mortifying as it will be, he will be compelled, by a sense of duty, to declare to his Government the opinion he has above expressed, that the discussion of these claims will be protracted to an indefinite period, and the expected settlement of them prove illusory.

In entertaining this opinion, the undersigned does not intend to impute to the Marquis of Aracaty any insincerity in the assurances he has so frequently given him to the contrary: he fully believes that his excellency wishes this business terminated; but he cannot resist the evidence of facts, and he is equally persuaded that some obstacle exists somewhere, which will prevent the desired settlement. The undersigned owes it to the friendly official intercourse with which the minister has always honored him, to state to him frankly the course which he intends to pursue; and which is such an unexpected conclusion after so many months of anxious expectation, and also with the faint hope that his excellency may be able to remove the impediments to the settlement and give orders to the commissioners to terminate the liquidation.

The undersigned wishes also that his excellency would inform him when the second class of claims, those yet undecided by the court, will be acted upon. These are four, viz: the *Tell-tale*, the *Hannah*, the *Budget*, and the *Adams*. The question on the appeal is a matter of perfect indifference to the claimants, they having abandoned the property under protest. It is impossible to imagine more gross injustice and violence than most of these cases offer. What is there to prevent their being settled? The court is here, the captors are here, the *autos* are here; and, by a decision of his Imperial Majesty, this court of appeal can be assembled at any moment. The undersigned requests your excellency to favor him with an answer, that he may communicate it to his Government.

The most obvious motives of policy, as well as of justice, would seem to dictate the immediate removal of these few remaining causes of complaint.

The undersigned will also request your excellency to favor him with an answer to his letter of February 5th, relative to the case of the South American Steamboat Company, that he may transmit the decision of the Imperial Government respecting that important claim to his own Government, and to the company, by the opportunity before mentioned. The few days that now remain before the approaching extraordinary session of the Legislature, which will inevitably engross all his excellency's attention, leaves a last opportunity for concluding these negotiations; if that is passed over, the undersigned will lose all hope of a favorable termination.

The undersigned avails himself of this occasion to request his excellency the Marquis of Aracaty to accept the assurances of his very high respect and consideration.

W. TUDOR.

No. 9.

The Marquis of Aracaty to Mr. Tudor.

O abaixo assignado, do conselho de sua Magestade o Imperador, Ministro e Secretario d'Estado dos Negocios Estrangeiros, accusa a recepção da nota que lhe dirigio o Sr. Guilhermo Tudor, encarregado de negocios dos Estados Unidos da America em data de 12 de corrente mes, representando contra a demora que tem havido no ajuste das reclama-

çoens Americanas, e pedindo huma resposta decisão para communicara ao seu Governo.

O abaixo assignado, comecando por agradecer ao Sr. Tudor a boa opinião que for sobre a sinceridad dos desejos que tem o abaixo assignado dever terminar o ajuste das ditas reclamaçoens, julga tambem do seu deber dizer ao Sr. Tudor, que da parte do Governo Imperial, existem os mesmos desejos, e que não ha, nem pode haver, obstaclo algum, como pertende suppor o Sr. Tudor, para se concluir o mencionado ajuste.

A nomeação que se fer de huma commissão para examinar os casos apresentados, he huma preza convincente do quanto o Governo Imperial, tem em vistu accelerar o ajuste das reclamaçoens; e o Sr. Tudor mesmo reconhece que ja estão liquidados seis dos ditos casos, os quaes erão os principaes, e que derão lugar as desagradaveis questoens, que são bem notonas ao Sr. Tudor. Desta maneira, cumprio o Ministerio Imperial o que havia promettido por intermedio do seu encarregado de negocios em Washington, sim que factos ulteriores de captura de navios Americanos possão servir de argumento contra a boa fé do mesmo Governo.

A demora que possa haver em casos restantes, não só he a que sempre resulta de semilhantes transacçoens, que são de sua naturesa tardias, mas tambem deve se mui principalmente attribuir a falta de apresentação de documentos, sobre que se possa fundementar a liquidação; pois que he innegarel que sim ellos os commissarios Brasileiros faltarião ao seu dever, e até soffrerão na sua reputação pelas sinistras interpretaçoens que os mal intencionados não deixarião de facer sobre o seu procedimento, visto que os reclamantes sempre pedem quantias exorbitantes, que depois muito se diminuem na discussão.

O abaixo assignado julga muito a proposito lembrar aqui ao Sr. Tudor o que disse o illustre Presidente Mr. Adams no seu discurso ao Congresso, quando participon que alguns navios Americanos ja tinhão obtido indemnizaçoens, e que os outros estrarão em via de negociação que se terminaria satisfactoriamente persuasão esta que o Governo Imperial procurara devidamente realisar. Respondendo agora quanto ao que o Sr. Tudor expoem sobre as embarcaçoens Tell-tale, Hannah, Budget, e Adams, as quaes não forão sentenciados a final, o abaixo assignado repete o que ja por varias veres tem asseverado ao Sor. Tudor, este he que, sim que o tribunal do almirantado tenha proferida sentenças definitivas sobre ellas, o Governo Imperial não pode tratar diplomaticamente taes reclamaçoens; mas o que vai facer he recommendar com urgencia ao dito tribunal que accelere a sua decisão a este respeito.

Relativamente ao Hussar, o abaixo assignado, a vistu dos esclarecimentos communicados pelo Sor. Tudor, sa dirigio ao Ministro da Marinha, esperando a sua resposta para obrarem consequencia o que se deve praticar no quelle caso.

Finalmente, o abaixo assignado declara ao Sor. Tudor que aos commissarios Brazileiros se ordenon que honressem de tratar das reclamaçoens que tem entre naôs, com a maior celeridade possivel; estando bem certo que elles porão todo o esmero e diligencia em cumprirem as ordens que receberão do seu Governo.

O abaixo assignado, julgando que, com esta resposta, fica o Sr. Tudor

completamente desonerado da responsabilidade quedir tomara sobre si nestes assumptos, lhe renova as expressoens do seu obsequio e perfeita estima.

Palacio do Rio de Janeiro, em 16 de Março de 1829.

MARQUEZ DO ARACATY.

No. 10.

Mr. Tudor to the Marquis of Aracaty.

Legation of the United States of America,
Rio de Janeiro, March 17, 1829.

The undersigned, chargé d'affaires of the United States of America, has the honor to address his excellency the Marquis of Aracaty, Councillor, Minister, and Secretary of State for Foreign Affairs, to acknowledge the receipt of his two notes of yesterday, and to offer some remarks in further illustration of the subject of liquidating the claims.

The amicable expressions contained in the message of the President, cited by your excellency, as calculated to show the satisfaction of the American Government and to exonerate the undersigned from all reproach of neglecting his duty, are precisely the grounds of the apprehension which occasion him the deepest anxiety, because the President was led to make those conciliatory remarks on the representations of the undersigned, who had given him the strongest assurances, founded on those of your excellency, that these claims would all be settled by the end of February; and the undersigned may hereafter be accused of having misled his Government by too favorable representations of the state of the negotiation.

The undersigned will not here repeat quotations from the correspondence between Mr. Mr. Clay and Rebello, by which his mission was directly induced; but nothing could be more full, clear, and unequivocal. The President consented to make a new nomination on the express ground "that *all* cases of complaint should be *promptly* removed." The unfortunate circumstances which delayed the arrival of the undersigned, rendered the speedy redemption of this pledge more urgent. It is perfectly obvious that the course pursued by the Government of his Imperial Majesty, and the emphatic assurances that were transmitted by a special messenger, placed the United States in a very different position from that of any other nation. Circumstances oblige the undersigned to allude to the negotiation with France on a similar subject, which, though commenced subsequently, and without any previous pledge on the part of the Imperial Government, has been concluded, while a part only of the American claims have yet been examined. The undersigned, in full reliance on the assurances of your excellency, and to promote your convenience, agreed, without additional formality, that the French convention should serve as a basis for the settlement of the claims of the United States, under the full and repeated promises that the adjustment of the American claims should proceed *pari passu* with those of France; and a failure of this condition now excites in him that anxiety which, if your excellency takes into consideration all the circumstances connected with this negotiation, you will surely admit is well founded.

The undersigned, in complaining of the delay of the commissioners, has in view the dilatory manner in which the claims are taken up at such long intervals, one after the other. In the case of the Hussar, it required a fortnight to get an answer from the Admiral, and who replied that he knew nothing about it. Had the commissioners called on the agents, they would have exhibited the documents that would have developed the whole case at once. The same remark applies to the schooner Amity, burnt at the same place some months before; they have not yet asked for any of the documents to illustrate the transaction, though it has a priority of date. The undersigned does not wish to hurry the commissioners, so as to prevent them from examining and sifting the claims to the utmost—a duty which they have hitherto very rigidly performed; but he wishes they should not defer the examination from day to day, and from week to week, but look into all these claims at once, so as to make their report upon them to your excellency, and spare the sufferers at least the additional evils of procrastination. Indeed, after the most liberal settlement, how inadequate is the compensation! Voyages defeated, profits destroyed, and men deprived of a large portion of active capital for years. To several individuals the consequences will be completely ruinous, notwithstanding the partial satisfaction of their claims.

On referring to the letters of your excellency, the undersigned finds only general allusions to the terms of the French convention as a basis, the particulars of which have only been mentioned in our verbal conferences. The undersigned intends, by the opportunity he has mentioned in a previous letter, to send to his Government the most precise and authentic information on every point relating to these negotiations; and for this purpose will thank your excellency to state in writing the conditions of payment referred to, which the undersigned has always understood to be bonds dated the 28th of February of the present year, payable in three terms of twelve, eighteen, and twenty-four months, and such part of the claims as are settled in dollars to be paid in dollars, or at the exchange of the day when the bills become due.

The undersigned is confident your excellency will not accuse him of being unnecessarily urgent in this business. He was sent here to receive the fulfilment of the most direct and positive engagements; and the duty which devolved upon him in consequence was so clear, that he fears his Government will reproach him with neglect or lukewarmness in the prosecution of it; for your excellency may rest assured that the delay in the settlement will have been wholly unexpected by the American Government. The undersigned has done every thing on his part to perform a disagreeable task in the most conciliatory manner possible. On his own responsibility, he has declined producing several claims of whose justice he was doubtful, but referred them to the consideration of his Government for their directions, which has already exposed him to obloquy and misrepresentation of the parties concerned. But, while duly anxious to fulfil the expectations of his Government and of his fellow-citizens, whose claims are well founded, he will not advocate those which seem to him to be of a contrary description.

The undersigned avails himself of this opportunity to renew to his excellency the Marquis of Aracaty the assurances of his very high respect and consideration.

W. TUDOR.

No. 11.

The Marquis of Aracaty to Mr. Tudor.

O abaixo assignado, do conselho de sua Majestade Imperial, Ministro e Secretario de Estado dos Negocios Estrangeiros, tem a honra de participar ao Sr. Guilhermo Tudor, encarregado de negocios dos Estados Unidos de America, que os commissarios Brasileiros acabão de representar que a liquidação dos navios, Spermo e Pioneer, estão demorados por que os commissarios Americanos não tem apresentado os documentos que se fasem necessarios. A vistu diste espera o abaixo assignado que o Sr. Tudor dara as providencias necessarias a este respeito, a fim de que se prosiga nas reclamações a falta do Governo Imperial, e non se terminarem ellas com toda a brevidade.

O abaixo assignado renova ao Sr. Tudor as expressões de seu obsequio e estima.

Palacio do Rio de Janeiro, em 21 de Março de 1829.

MARQUEZ DO ARACATY.

No. 12.

Mr. Tudor to the Marquis of Aracaty.

Legation of the United States of America,
Rio de Janeiro, March 23, 1829.

The undersigned, chargé d'affaires of the United States of America, has the honor to acknowledge the receipt of a note dated the 21st instant, from his excellency the Marquis of Aracaty, Councillor, Minister, and Secretary of State for Foreign Affairs, relative to the want of documents in the cases of the Spermo and Pioneer, to which he hastens to reply, and, at the same time, to submit some further observations on the subject of the liquidation of the claims.

The undersigned lost no time in seeing the agents of these claims; and from Mr. Wright, who has in charge that of the Pioneer, he ascertained that the documents which are considered deficient are the invoice and certificates for the disbursements in Montevideo. One general remark may be made: that, in the settlement of these claims, though it is neither wished nor expected that the Government of Brazil should pay a single dollar which is not justly due to the claimants, yet, as these settlements are between the United States and Brazil for captures which the latter admits to be unjust, the same rigid exaction of forms which would be proper in the adjustment of ordinary accounts should be dispensed with where the points are *substantially* proved. This observation applies to the question of the invoice, whose defect is compensated by the bill of lading and the account of sales certified by four respectable houses. With regard to the certificates of disbursements, if these are considered indispensable, the case can lie over a little till they can be obtained from Montevideo, and the commissioners proceed, in the mean time, in the liquidation of other claims. The undersigned has recently received a statement for a small additional claim on the part of the owners, which is in the hands of Mr. Birckhead, their correspondent, and which he will present to the commissioners for examination. In respect to this case, it will only be further observed, that the injustice of the capture was so notorious, that, by an imperial decree, full reparation and damages were ordered to be given, which seems an ample authority for settling it in the most liberal manner.

In regard to the Spermo, Mr. Birckhead informed the undersigned, yesterday, that he had received no application from the Brazilian commissioners for any additional documents, and those furnished seemed to be very complete, and were undoubtedly thought sufficient by the persons, long experienced in business, who forwarded them.

It may be hoped that these further documents asked for will not be found, on reflection, to be essential; if, however, it be otherwise, and these additional documents are now for the first time demanded, after the case was given to the commissioners nearly four months since, and that many months must elapse before they can be received from the United States, the undersigned leaves it to your excellency to decide what will be the inevitable opinion of the Government of the United States upon the subject.

The undersigned, wishing to bring all the circumstances of this negotiation as fully as possible to the final consideration of your excellency, will now recur to one or two topics alluded to in your excellency's note of the 16th instant, and which the undersigned did not reply to particularly in his answer of the 17th.

In the first place, your excellency remarks that the Government of Brazil redeemed the pledge it had given to that of the United States by the settlement of the six cases already liquidated, as it was in these that the injuries occurred which especially occasioned those assurances, and that events that have subsequently happened cannot be included under that responsibility.

On this point, the undersigned begs leave to observe to your excellency, that the two cases already alluded to in the present letter, (those of the Spermo and the Pioneer,) originated before those assurances were made; and the Spermo, in particular, is now of four years standing, and it is one of the cases that had most strongly excited the attention of the American Government, and on which the instructions given to the undersigned were most emphatic and precise, as the undersigned made known to your excellency while treating on the topic of the bonds exacted for that vessel.

With respect to the injuries to American citizens that have occurred since, their prompt reparation is, if possible, still more binding on the Imperial Government; for how was it possible for the President of the United States to suppose, while receiving the explanations transmitted by Mr. Oliveira, (and on which he acted in perfect reliance on the amicable assurances of the Government of Brazil,) that fresh outrages would be committed, even before the promised reparation was made for former injuries? Your excellency may be assured that the Government of the United States never contemplated even the possibility, while thus acting in the most friendly spirit, and acceding to the wish of the Imperial Government of sending a new mission to this Court to settle these questions here, that such flagrant outrages would take place as the burning of the Amity and the Hussar, and the condemnation of the Adams, Tell-tale, Hannah, and Budget, accompanied with some of the atrocious acts that were committed on board those vessels, and which have been partially represented in previous letters.

In regard to the six cases which have been liquidated in the course of six months, it must be observed, that as regards the sufferers, the adjustment is merely nominal; until the transaction is completed by the delivery of the bonds, they can settle no account, nor derive any benefit from it.

When the commissioners were named, the undersigned felt the greatest satisfaction; and in the full confidence of your excellency's assurances that they would proceed with "all possible despatch," he wrote to his Government to that effect, which occasioned those expressions in the President's message to which your excellency has referred. In illustration of this point, the undersigned must revert to the course of the proceedings of the commissioners. They were named in August; three cases were settled in November and the beginning of December, and two others towards the close of January.

These were the five cases given to the commissioners in the first warrant, dated August 31st. Several additional cases were given in another warrant of November 20th. But early in December, the undersigned was told by the commissioners that they could not proceed any further than the first five cases, until they had your excellency's orders to that effect; and by referring to the correspondence, your excellency will perceive that it was near two months before the commissioners were authorized to go on, and since that time have only settled one case, of which the amount is a few hundred milreas. Several of the other cases have never been touched at all, especially that of the schooner Amity, burnt at the Salado, though the commissioners have had it in their charge upwards of four months. Notwithstanding all these delays, the undersigned still believed, on the assurances of your excellency, that these claims would all be acted upon by the end of February. It was from the remark in your excellency's private note of the 27th of February, that this examination might be protracted till after the meeting of the Legislature in May, that he first began to fear any more serious procrastination, and which has occasioned him a degree of anxiety that he has so feebly attempted to make known in previous letters. The undersigned felt persuaded, and his Government will have entertained the same conviction, that when the commissioners were once named, there would be no unnecessary delay in the proceedings. What will be the effect of a disappointed expectation so apparently well-founded, the undersigned will leave to your excellency's judgment to determine.

One point more the undersigned will an make allusion to—that of the demands being presumed to be greatly exaggerated, and the necessity of scrutinizing them very closely.

The undersigned repeats the declaration, that he does not wish to impede the closest scrutiny of these accounts, and that no more should be allowed than what is justly due. But there is one case which he has understood the commissioners have made a precedent, though erroneously, in supposing the claimants were ready to admit of a great reduction in their demands. The case in question is that of the Hero, in which the award that was accepted was not more than one-sixth of what was claimed. That case was peculiar in many respects: it was not denied that the property was there, but that, under the circumstances of the case, on sound principles of mercantile law, the Government of Brazil was not accountable for more than a small part of the loss; this decision was well founded, and was acquiesced in without a murmur. But, on the other side, let the case of the Ruth be considered: this capture was one which was very aggravated in all its circumstances; the commissioners treated it with severity; and so unsatisfactory was their decision, that the supercargo, who arrived here after the case was settled, and is now on the point of returning home, even after the three thousand milreas which your excellency agreed should be added for the losses and injuries sustained by himself and the captain, reproached Mr. Birckhead with having exceeded his powers in agreeing to it, and declared that he would not have accepted it, but have appealed to the Government of his country.

The undersigned, intending, as he has before had the honor of informing your excellency, to give his Government, by an early opportunity, the most precise information relative to all the points connected with these claims, will request the favor of an answer in writing, that he may communicate the same, respecting the terms in detail, which, though perfectly satisfactory, are only declared by a reference to the convention with France. If your excellency refers to your notes to him of December 12th and 13th, you will perceive the very full assurance that was given as to the time and terms of settlement, copies of which were transmitted to Washington by the messenger who was the bearer of the treaty.

The undersigned regrets to have felt himself obliged to molest your excellency with this long letter; but he wished, as far as possible, to leave no point unexplained, and to do everything which depended on him to convince your excellency of the urgent expediency of concluding the liquidation of these claims. He feels upon the subject that anxiety which its delicacy and particular circumstances create. He entreats your excellency to reflect that the assurances given to him have been duly forwarded to his Government; and that the measures taken by your excellency's predecessors, in the pledges they instructed Mr. Rebello to give, place the United States and Brazil in a peculiar position, and certainly impose on the Imperial Government an obligation, the force of which cannot be exaggerated.

The undersigned begs to inform your excellency that any despatches for the United States, if sent to him on Saturday morning, will be safely forwarded; and he avails himself of the occasion to repeat to his excellency the the Marquis of Aracaty the assurances of his very high respect and consideration. W. TUDOR.

No. 13.

Mr. Tudor to the Marquis of Aracaty.

Legation of the U. S. A.,
Rio de Janeiro, March 23, 1829.

The undersigned, chargé d'affaires of the United States of America, has the honor to address his excellency the Marquis of Aracaty, Councillor, Minister, and Secretary of State for Foreign Affairs, to state, that since writing his letter of this same date, he has received a despatch from the Secretary of State, dated the 20th of January, which is chiefly occupied with the case of the brig Budget, which the owners had brought directly under the notice of their Government, and instructions to claim restitution are given in consequence. The cases of the Hannah, the Adams, and the Tell-tale, stand on as strong or stronger ground than that of the Budget; and instructions with regard to them may be daily expected.

The undersigned makes this known to your excellency as an additional reason to ask for a decision relative to those vessels, which he has already had the honor to request.

There is one passage in this despatch from Mr. Clay which the undersigned begs leave to quote, and which is as follows: "There is one statement made in the protest, which, from the peculiar atrocity of the transaction, will command your attention and call for the severest punishment from the Brazilian Government." This passage will be explained by the following extract from the protest of the captain: "On the same night an attempt was made by the officer in charge to commit the unnatural crime of —— on the boy, (aged about fourteen years,) but who was rescued from him by the cook and steward forcing into the cabin and taking the child out. The boy complaining of being sick, and walking lame, induces the appearer to believe the act was committed."

An absolute loathing at even alluding to such subjects as these, prevented the undersigned from mentioning it when writing on the case of this vessel to your excellency. It had been his painful duty to make a complaint for a crime of a similar nature in the case of the Tell-tale. In this latter instance the brutal act was perpetrated by soldiers; in the case of the Budget, it would appear that it was by an officer.

The undersigned requests his excellency the Marquis of Aracaty to receive a repetition of the assurances of his very high respect and consideration.

W. TUDOR.

No. 14.

The Marquis of Aracaty to Mr. Tudor.

Palacio do Rio de Janeiro, *em* 24 *de Março de* 1829.

O abaixo assignado, do conselho de sua Majestade o Imperador, Ministro e Secretario d'Estado dos Negocios Estrangeiros, recebeo a nota que lhe dirigio em data de 17 do corrente mes o Sor. Guilhermo Tudor, encarre-

gado de negocios dos Estados Unidos da America, em respostu a que lhe passon em data de 16 do mesmo mes.

O abaixo assignado tendo lido com madura reflexão a dita nota do Sor. Tudor achon que o que lhe dara maior inquietação era o ver que seria responsavel ao seu Governo por ten sido descuidado e negligente em não ter procurado terminar com todo o zelo o ajuste das reclamações Americanas visto que o Presidente dos Estados Unidos tenha consentido na nomeação do Sor. Tudor, como encarregado de negocios para o Brazil debaixo do expresso fundamento deque *todos os cazos* de queixar senão promtamente removidos.

Nesto mesmo argumento, se valera o abaixo assignado para dicer ao Sor. Tudor que aquelles cazos todos não se pordem referir se não aos que existião quando o Governo Imperial, por via do seu encarregado de negocios em Washington, deo asseguranҫa de que elles se arranjarião satisfatoriamente, huma ver que fossem contrarios ao direito dos gentes. Felizmente, todos elles se achão liquidados, com a excepção do Spermo; e isto, por falla da apresentação de documentos pois que consta que mui proximamente elles forão iviados dos Estados Unidos.

Nem o Governo Imperial se tem recusado como ja tem feito saber ao Sor. Tudor a entrar na liquidação das justas reclamações Americanas por causa das capturas que ao depois occorrerão. A commissão nomeada continua ainda nos seus trabalhos, e tem recebido ordens do seu Governo para accelera las.

Quanto ao que o Sor. Tudor allude sobre o terem se ja finalisado as liquidações com a França, bastu reflectir que forão só tres navios pertencentes aquella nação que se liquidarão e por isso se terminon mais brevemente a liquidação o que era impossivel que succedesse em igual espaço de tempo com as embarcaçães Americanas, cujos cazos todos juntos montão ao numero vinte.

Mas para que o Governo Imperial mostre ao Sor. Tudor a boa fé com que tem o brado neste assumpto, o abaixo assignado declara ao Sor. Tudor que se ja qual for o tiempo em que se terminem as liquidações Americanas as cedulas que se devem passar para o pagamento se contarão desde o dia 28 de Fevreiro passado; nos prazos de dore deroito, e vinte quatro meses como se practicon com a França; fazendo se a conta na moeda do Brazil ao par tenda se depois attenção a differença do cambio entre a epoca do apresentamento, e a em que se verificarem os pagamentos.

Nesta maneira, parece ao abaixo assignado que longe de que o Sor. Tudor possa ser increpado pelo seu Governo ha de sim duvida ser por elle elogiado pois que pela maneira conciliatoria com que foi animado, desde que entron a tratar destas desagradaveis transacções soube inspirar confiança ao Goberno Imperial que reconheço a bealdade honrado caracter do Sor. Tudor, como ja mandon significar ao seu Governo.

O abaixo assignado reitera ao Sor. Tudor, por esta occasião as expressões do seu obsequio e estima.

MARQUEZ DO ARACATY.

No. 15.

The Marquis of Aracaty to Mr. Tudor.

O abaixo assignado, do conselho de sua Magestade o Imperador, Ministro e Secretario d'Estado dos Negocios Estrangeiros, não tendo ha mais tempo respondendo á nota que em 5 de Fevreiro passado lhe dirigio o Sor. Guilhermo Tudor, encarregado de negocios dos Estados Unidos d'America, relativamente á Companhia dos Barcos de Vapor, que se formon em Nova York, a de que foi agente neste corte Mr. Fulgence Chegaray, porque foi lhe indispensavel tomar os esclarecimentos necessarios para responder dividamente ao Sor. Tudor, vai agora cumprir com este dever, e communicar lhe a resolução do Governo Imperial.

No ha devida que o encarregado de negocios Brazileiros em Washington teve orden de animar a venda de barcos de vapor dos Estados Unidos para o Brazil, assegurando a protecção do Governo Imperial; mas aquella protecção não se podia estender a mais do que a não por estonos nem embaraços a emprera, e nunca se devia entender como dando promessas para concessoens privilegiados, que dependem sempre de motivos provedirosos que as fação necessarias, e he por isso que não se pode diexar de taxar ao menos de inconsiderada a associagião de New York, quando adianton as sommas que declaron o dito Mr. Chegaray em huma emprera que, pela sua transcendencia, não podia ser approvada pelos ministros do Imperador, sim que sugetassem a sua decisão as Camaras, pois que muitos artigos erão da privativa attrabução do poder legislativo. E tal foi a marcha que seguirão os mesmos ministros, que nisto fizerão o seu dever.

Como porem o Governo Imperial está persuadido da utilidade da navegação dos ditos barcos de vapor, o abaixo assignado recebeo ordem para communicar ao Sor. Tudor que o mesmo Governo estará a admittar novas proposiçoens da mencionada associação, huma ver que ellas sejão taes, que possão ser acolhidas; e neste caso poderá mandar, ou encarregar pessoa para esse fim competentemente autorisada.

O abaixo assignado renova por este occasião ao Sor. Tudor as expressoens do seu obsequio e estima.

Palacio do Rio de Janeiro, em 24 de Março de 1829.

MARQUEZ DO ARACATY.

No. 16.

Mr. Tudor to the Marquis of Aracaty.

LEGATION OF THE UNITED STATES OF AMERICA,
Rio de Janeiro, March 26, 1829.

The undersigned, chargé d' affaires of the United States of America, has the honor to acknowledge the receipt of the note of his excellency the Marquis of Aracaty, Councillor, Minister, and Secretary of State for Foreign Affairs, dated the 24th instant, relative to the case of the South American Steamboat Company, copies of which will be duly forwarded to his Government and to the said company.

The undersigned, however, cannot, in justice to the claim of that unfortunate company, omit to recall to the recollection of his excellency the Marquis of Aracaty that the company did not engage in the expenses they have represented merely on the contract made with Mr. Rebello, but very prudently sent an agent to this Court to obtain the sanction of the Imperial Government; and if a timely answer had been made to his application, if the minister at that time had expressed any one of the reasons now suggested by his excellency against the approbation of that contract, in the course of even *two months* after the arrival of the agent, the whole, or at least the far greater part, of the loss that was sustained might have been avoided; but it was *seven months* before the brief and undecided negative was given; and this delay really transfers the responsibility from Mr. Rebello to the ministry of Brazil. Indeed, a more striking instance can hardly be found to show the excessive evils arising from procrastination.

The undersigned renews to his excellency the Marquis of Aracaty the assurances of his very high respect and consideration.

W. TUDOR.

No. 17.

Mr. Tudor to the Marquis of Aracaty.

Legation of the United States of America,
Rio de Janeiro, March 29, 1829.

The undersigned, chargé d'affaires of the United States of America, has the honor to address his excellency the Marquis of Aracaty, Councillor, Minister, and Secretary of State for Foreign Affairs, and to reply to his note of the 24th instant relative to the claims, respecting which he called the next day at the Foreign Office, and showed to Mr. Lisboa a passage that was liable to some doubt, and on which he requested him to send an explanation; and not having received it, he will no longer defer submitting the point in writing, as it is one of the most essential moment.

The statement of his excellency, as far as relates to the periods of payment and the date of the bonds, is in conformity with those conditions as understood, and is perfectly satisfactory; but the process of exchange is liable to some doubts. According to Mr. Lisboa's opinion and that of Dr. Bivar, the intention is to pay the sums awarded according to their real value. Some of the claims are adjusted, partly in milreas, and partly in hard or specie dollars, "*pezos fortes.*" To the plan proposed, of converting the part stated in dollars into the currency of Brazil at par, or 800 reas to a dollar, if it be a matter of convenience to the Government, the undersigned will offer no objection, provided that in the payment the true value awarded be secured to the claimants. The undersigned will be satisfied if that portion of the awards stated in "*pezos fortes*" be paid either in dollars or in the currency of Brazil, at the exchange of the day for dollars when the payments become due. At the present rate of exchange, the claimants would lose nearly two-thirds the amount agreed to be due them, by having the dollars turned into milreas at par. Any diminution of the sum awarded by the commissioners, after rigorously abating the claims to the utmost, neither the agents on the part of the individual claimants, nor the undersigned, on the part of his Government, are authorized to admit.

The whole negotiation, therefore, turns on this point; and the undersigned earnestly solicits his excellency to favor him with a statement of any plan he would prefer, which will place the subject in a perfectly clear light.

The undersigned, in his desire to leave nothing unexplained in this negotiation, will now advert to one or two subordinate topics in the same note of his excellency. With regard to those cases being adjusted that arose previously to the assurances given by the Imperial Government, being a full redemption of the pledge, it is obvious that the Government of the United States never could suppose that new causes of complaint would continue to arise; but if the contrary should happen, as in many instances it unfortunately has done, with aggravated circumstances, the Government of the United States will most naturally have believed that the obligation of the Imperial Government to redress them will not only have been undiminished, but, if possible, be increased.

The remark of his excellency, that the French claims were speedily settled, because there were only three cases, while the American amount to twenty, will be obviated on further reflection. In the first place, four of this number are set aside by his excellency till the court of appeal shall have acted upon them; three others have been withdrawn by the undersigned, until further orders are received in regard to them; six are settled; to which may be added two more, if the commissioners shall have concluded yesterday, as they promised to do—those of the Spermo and Pioneer. There remain then only five to be acted upon immediately, and most of these are trifling in amount, and some might be decided in half an hour. The French claims, though few in number, were of great value, composed of numerous invoices, and, with the deduction of the Spermo, probably equalled or exceeded the whole amount of the American claims before the commissioners. In regard to the documents of the Spermo, they have been waiting the call of the commissioners ever since the case was handed to them, four months ago. The supercargo of the Hussar, at the request of the undersigned, called on the commissioners yesterday to answer any questions relative to that vessel which they might wish to ask. They told him they could not take it up till they received the orders of his excellency for that purpose; and he now returns home, after waiting here four months for a settlement, with no other information to give his owners in answer to their inquiries.

In the same manner many weeks have before elapsed, when nothing was done in the prosecution of this business, because the commissioners declared they were waiting for the orders of the minister. Yet, when they were named, it was the confident expectation of the undersigned, as it has been that of his Government, that the examination would have proceeded without interruption. The undersigned cannot help flattering himself that, on a consideration of these facts, they will receive directions to settle the few remaining cases without delay.

The undersigned cannot omit to notice the very courteous terms in which his excellency the Marquis of Aracaty is pleased to speak of his conduct during his residence at this Court, nor, at the same time, to submit one or two remarks explanatory of his anxiety respecting a negotiation which has excited a very great sensation in the United States, and occupied the attention of his Government in a proportionate degree. His excellency will feel that it is the duty, and should be the object, of every public agent to satisfy the expectations of his own Government in the first instance; if, in addition, he is able to conciliate the good opinion of the Government to which he is accredited, especially if obliged to negotiate on disagreeable subjects, he may consider himself singularly fortunate. But if he should fail of obtaining the entire approbation of the former, the sentiments of delicacy, honor, and fidelity to his sovereign, which guide his excellency the Marquis of Aracaty, will convince him that those praises which, in the one case, might be a lively gratification, would, in the other, be converted into bitter reproach.

The undersigned will not repeat that the anxiety he has so often mentioned, in regard to the conclusion of these claims, is too painful not to be sincere, and is far from being lessened by what he heard yesterday. A vessel has arrived from Baltimore, bringing gazettes to the 13th ultimo; and he deeply regrets to inform his excellency that the messenger with the treaty had not been heard of, though a vessel which sailed from here on the same day had arrived a fortnight before. There is yet a hope, if no accident has happened, that he may have reached New York two or three days afterwards; but if his passage has been protracted beyond that period, it is manifestly impossible that the treaty could have been acted upon by the last Congress, as that constitutionally expired on the 3d of March. The vessel by which the despatches are forwarded to Mr. Rebello, does not sail till Tuesday morning.

The undersigned renews to his excellency the Marquis of Aracaty the assurances of his very high respect and consideration.

W. TUDOR.

No 18.

Convention between France and Brazil, alluded to in the preceding correspondence.

S. M. le Roi de France et de Navarre, et S. M. l'Empéreur du Brésil, ayant par un article additionnel au traité du 8 Janvier, 1826, signé par leurs plénipotentiaires respectifs, en date de ce jour, fixé dans l'intérêt commun du commerce de leurs sujets, d'une manière claire, precise, et conforme au principe de la réciprocité, le sens que doit avoir à l'avenir cette partie de l'art. 21 du même traité que est relative aux droits des belligérans envers les neutres, en cas de blocus d'un port ou ville quelconque; et considérant que la diversité du principe suivi jusqu'à présent par les hautes parties contractantes est résulté à la diversité et l'incertitude de la règle adoptée dans les jugemens de quelqu'uns des bâtimens Français arrêtés et capturés par l'escadre Brésilienne dans la rivière de la Plata; et S. M. l'Empéreur du Brésil, voulant concilier, d'une part, le respect dû aux lois et formes judiciaires qui régissent l'Empire, avec ce que de l'autre prescrit l'équité en faveur des réclamans ou personnes lésées par suite de la condamnation definitive qui par ce motif a été prononcée contre les bâtimens et leurs cargaisons; et désirant, en même tems, donner à S. M. très Chrétienne une preuve non équivoque du prix qu'il attache à sa fidèle amitié et à sa puissante alliance, leurs dites Majestés ont résolu

de conclure à cet effet une convention speciale, et ont nommé pour leurs plénipotentiaires, savoir, &c. Lesquels après avoir echangés leurs pleins pouvoirs respectifs, trouvés en bonne et due forme, sont convenus des articles suivans:

Article 1. Le Gouvernement du Brésil s'oblige et s'engage à payer au Gouvernement Français, en indemnité des pertes causeés à ses sujets, la valeur des coques, agrès, et cargaisons des navires Français nommés le Courier, le Jules, et le St. Salvador, qui ont été saisis et capturés par l'escadre de la rivière de la Plata, et definitivement condamnés par les tribunaux du Brésil.

Article 2. Ces indemnités auront pour base, quant aux navires, la valeur de leurs coques et agrès, estimée d'après les polices d'assurance, lorsqu'il ne s'elevera contr'elle aucun soupçon fondé de dol ou de fraude dans leur evaluation, à laquelle seront ajoutés le montant du fret acquis, et les frais et debours extraordinaires pour solde et entretien d'equipage, et pour toutes dépenses quelconques, occasionnées par l'arrestation et la capture du bâtiment; et quant aux cargaisons, le compte sera réglé d'après les manifestes, connaissemens, et factures, et d'après le prix courant des marchandises dans le port de Rio de Janeiro au moment de l'arrestation; les polices d'assurances, connaissemens, factures, comptes de frais et debours, et tous autres documens quelconques, devront être présentés legalisés en bonne et due forme.

Article 3. A la valeur de l'indemnité que sera liquidée pour chaque bâtiment, sera ajoutés à titre de dommages et intérêts, un intérêt de 6 per cent. pour an, à partir d'un mois après la capture jusqu'aux époques ci-dessous fixées pour les paiemens, et au montant total des indemnités qui seront liquidées pour les cargaisons, fret, dépense, et debours extraordinaires, occasionnées par la capture, sera ajouté à titre de dommages et intérêts un intérêt de 5 per cent. pour an, à partir de six mois après la capture jusqu'aux dites époques.

Article 4. Les indemnités seront liquidées et fixées par une commission de quatre membres, savoir: deux commissaires liquidateurs, et deux commissaires arbitres, l'un de ceux ci-devant être appelé dans le cas seulement où les deux premiers ne seraient pas d'accord; il sera alors désigné par la voie du sort; un commissaire liquidateur et un commissaire arbitre seront nommés par le Gouvernement du Brésil, et l'autre commissaire liquidateur et l'autre commissaire arbitre par le representant de S. M. très Chétienne près la cour de Rio de Janeiro.

Les susdits commissaires recevront des réclamans, ou autres personnes interessées, les comptes et documens ci-dessus enoncés, et tous autres titres qui peuvent être présentés à l'appui de leurs droits; et quoique les réclamans aient la faculté de produire toutes les pièces justificatives que leur conviendront jusqu'à la clôture des travaux de la commission, il est néanmoins expressément convenu et réglé qu'aucune réclamation, ne sera examinée et prise en considération si elle n'a été présentée dans les 60 jours qui suivront immediatement l'installation de la commission.

Article 5. La commission sera installée dans l'espace d'un mois après la signature de la présente convention, et ses fonctions devront être definitivement terminées au 28 Février de l'année 1829.

Article 6. La liquidation sera faite en monnaie du Brésil, en tenant

compte entre la différence existant entre l'échange de l'époque de la capture, et celui du moment où le paiement aura lieu; et les sommes qui seront liquidées et fixées seront soldés en paiemens egaux effectuées à Rio de Janeiro, le premier 12 mois, le deuxième 18 mois, et le troisième 24 mois après la fin de la clôture de la commission. Les cedules des paiemens seront remises à la legation Française près la cour du Brésil, et comprendront les intérêts stipulés par l'art. 3; chacune d'elles énoncera le nom ou les noms des interessées au profit desquels elle sera delivrée, et indiquera la personne ou les personnes qui devront en acquitter, le montant pour compte du Gouvernement du Brésil ainsi que le lieu du paiement.

21 *Août*, 1828.

No. 19.

Mr. Tudor to the Marquis of Aracaty.

LEGATION OF THE U. S. A.,
Rio de Janiero, April 6, 1829.

The undersigned, chargé d'affaires of the United States of America, has the honor to address his excellency the Marquis of Aracaty, Councillor, Minister, and Secretary of State for Foreign Affairs, to request a reply in a most essential point, stated in his previous letters; which is, the mode that those parts of the claims awarded by the commissioners to be paid in *pesos fortes* shall be finally liquidated in, after turning the same *pesos fortes* into milreas at par. The claims have all been regulated on the principle that the amounts thus awarded would be effectually paid at their true purport and value. Though the undersigned has been twice assured by Mr. Lisboa and Dr. Bivar that such is the intention, which would be clearly expressed in the several bonds, and the anxiety of the undersigned is greatly relieved in consequence, still a statement in writing from your excellency is necessary to enable him to complete the report which he is desirous to make, as early as possible, to his Government. Having been disappointed in finding your excellency in the last three calls he has made, when this was the chief topic he wished to converse upon, he now addresses this repeated request in writing. The whole of the negotiation turns upon this question. The amounts awarded, especially after such a severe scrutiny and great abatement as these claims have undergone, were calculated upon with entire confidence, and the parties interested in the United States were so informed; any diminution of the awards made by the imperial commissioners, neither the undersigned for his Government, nor the agents in behalf of the claimants, have any power to agree to; and such diminution would render the whole negotiation abortive.

The undersigned was much gratified to learn from Dr. Bivar to-day that, on further consultation with your excellency, he thought the difficulty in the Spermo's case might be obviated. Surely every principle of equity is in favor of that claim; the very doubts in matters of form are owing to the conduct of the captors and the courts. How is it possible to suppose that a very respectable mercantile house should openly bring forward and sustain a claim to a considerable amount of property already received by them; that their agent should have been for a long period prosecuting the claim at this Court; that my predecessor should have urged and defended it with so much zeal; and, lastly, that the President of the United States, who himself investigated this case, respecting which the instructions are very full and definite, as mentioned in former letters, should all have been supporting an unfounded claim? The undersigned trusts with confidence that your excellency will decide without hesitation that this claim, of so long standing, and which has so many recommendations, should be adjusted.

The undersigned requests his excellency the Marquis of Aracaty to accept the assurances of his very high respect and consideration.

W. TUDOR.

No. 20.

The Minister of Foreign Affairs to Mr. Tudor.

O abaixo assignado, do conselho de sua Magestade o Imperador, Ministro e Secretario d'Estado dos Negocios do Imperio, tem honra de annunciar ao Sor. Guilhermo Tudor, encarregado de negocios dos Estados Unidos d'America, que sua Magestade Imperial acaba de encarregado do expedienté da repartiçáo dos Negocios Estrangeiros, em quanto durar o impedimento do Exmo. Sor. Marquez do Aracaty.

O abaixo assignado, fasendo esta communicação ao Sor. Tudor, prevalece se desta primeira opportunidade para offrecer lhe os protestos de seu obsequio e estima.

Palacio do Rio de Janeiro, em 13 de Abril de 1829.

JOSE CLEMENTE PEREIRA.

No. 21.

The Minister of Foreign Affairs to Mr. Tudor.

O abaixo assignado, do conselho de sua Magestade o Imperador, Ministro e Secretario d'Estado dos Negocios do Imperio, encarregado interinamente da repartição dos Negocios Estrangeiros, accusa a recepção da nota que em 6 do corrente dirigio o Sor. Guilhermo Tudor, encarregado de negocios dos Estados Unidos d'America, pidiendo novos esclarecimentos sobre a maneira por que devem ser feitos os pagamentos da quellas reclamaçoens dos seus concidadaos que os commissarios concordarão que fossem feitos em pesos fortes; e prestando se o abaixo assignado á requisiçao do Sor. Tudor, tem de participar lhe que o Governo de sua Magestade Imperial desejando remover todas as difficultades a tal respeito, esta na intelligencia de facer os pagamentos referidos ou em pesos fortes effectivos, ou em moeda corrente do imperio, calculada pelo agio que tal moeda tiver na epoca do vencimente das respectivas apolices, como se acha convenisonado.

O abaixo assignado renova ao Sor. Guilhermo Tudor as expressoens de seu obsequio e consideraçao.

Palacio do Rio de Janeiro, 14 de Abril de 1829.

JOSE CLEMENTE PEREIRA.

No. 22.

Mr. Tudor to the Minister of Foreign Affairs.

LEGATION OF THE U. S. A.,
Rio de Janeiro, April 15, 1829.

The undersigned, chargé d'affaires of the United States of America, has the honor to acknowledge the receipt of the note of the 13th instant, from his excellency José Clemente Pereira, Councillor, Minister, and Secretary of State for Affairs of the Empire, communicating that his excellency, by direction of his Imperial Majesty, had taken charge *ad interim* of the Department of Foreign Affairs.

The undersigned has also the honor to acknowledge the reception of his excellency's note of the 14th instant, specifying the mode in which that portion of the awards for American claims, adjusted in *pesos fortes*, is to be finally liquidated, which is conformable to the impression the undersigned had received, and is perfectly satisfactory. As there now remains of that first class of claims only a part of that of the Spermo unfinished, and as Dr. Bivar has stated to him that all impediments were removed, and that the commissioners only waited the orders of his excellency to terminate it, the undersigned, for the several powerful reasons which he has before stated in various letters, solicits his excellency to give the necessary orders that this case also may be concluded.

The undersigned avails himself of this first opportunity that has occurred to request his excellency Mr. Pereira to accept the assurances of his very high respect and consideration.

W. TUDOR.

No. 23.

Mr. Tudor to the Minister of Foreign Affairs.

LEGATION OF THE U. S. A.,
Rio de Janeiro, April 16, 1829.

The undersigned, chargé d'affaires of the United States of America, has the honor to address his excellency José Clemente Pereira, Councillor, Minister, and Secretary of State for Affairs of the Empire, and charged *ad interim* with the Foreign Department, and to submit to his attention an account of a very unpleasant occurrence, which his excellency, in conjunction with the Minister of the Treasury, may soon cause to be remedied; which the undersigned has full confidence will be effected as soon as the circumstances are brought to their knowledge.

The case is as follows: To complete the payment of some supplies, to the amount of five or six thousand dollars, purchased here for the use of the United States frigate Guerriere, by the consul, Mr. Wright, there were sent on shore here, yesterday, $1,447, which were delivered by the officer into the care of Mr. Rudge, of the house of Maxwell, Wright, & Co. The money was borne, without even the idea of disguise, on the shoulders of two porters; and the officer accompanied Mr. Rudge a few steps. Soon after he left him, Mr. Rudge was accosted rudely in the midst of the Palace square, going *from the water*, by two custom-house officers, and accused of smuggling! Mr. Rudge, a mild, gentlemanly man, in vain explained; they took him to the public office, where he saw the money duly counted and registered.

The custom-house officers had given him several hints as to a bribe, and wished him to make his escape; but having failed to produce intimidation, they became ill-humored, and hoped, by aggravated outrage, to give the transaction a coloring that might secure their plunder. They said they would take him to a judge; but he found that their course ended at the public prison, into which he was put, and only saved himself, by a bribe to the jailor of fifty milreas, from being thrown amongst the herd of the vilest criminals. His friends, as soon as they heard of the event, and by the expenditure of fifty-four milreas more, gave bail, and released him from prison in the course of the night. Mr. Rudge is the son-in-law of Mr. Maxwell, long honorably known in this country, and a partner in the respectable house of Maxwell, Wright, & Co. It is only incidentally that the undersigned brings this case of unprovoked insult and outrage against a subject of Brazil, and a worthy member of society, to the knowledge of your excellency; upon whom it depends to decide what reparation shall be given. It might, perhaps, have a salutary effect in preventing such acts of outrage, if the unprincipled aggressors were amerced to repay the expenses they have occasioned.

While requesting that an order may be given, as soon as convenient, to restore this money, it is necessary to make one observation. This money is the property of the United States. Mr. Lisboa has the declaration of Commodore Thompson respecting it; and the consul will not consent to pay, without an order from the undersigned, the two per cent. commission which is usually exacted at the place of public deposite, in cases of private property. Such an order, of course, the undersigned can never give. Strange, indeed, it would appear from this case, that it is a crime to bring specie to Brazil; on which any custom-house officer might draw down fine and imprisonment! and that the public money of a friendly nation, landed to pay for supplies, should be violently seized, under the immediate care of a respectable merchant, and he thrown into prison! The undersigned, therefore, requests that the order may be given for the release of this money, without any deduction.

The undersigned regrets to be obliged to trouble your excellency with such an unexpected complaint; and avails himself of the occasion to repeat the assurances of his very high respect and consideration.

W. TUDOR.

No. 24.

The Minister of Foreign Affairs to Mr. Tudor.

O abaixo assignado, do conselho de sua Majestade o Imperador, Ministro e Secretario d'Estado dos Negocios do Imperio, encarregado interinamente e da repartição dos Negocios Estrangeiros, accusa ao Sor. Guilhermo Tudor, encarregado de negocios dos Estados Unidos de America, a recepção das suas duas notas, de 15 e 16 do corrente, comprinde lhe assegurar ao Sor. Tudor que quanto ao ultimo objecto da primeira, ja forão expedidas os ordens aos respectivos commissàrios para concluirem sim demora o caso do navio Spermo; e quanto ao objecto da segunda acaba de se dirigir ao Ministro e Secretario de Estado dos Negocios da Fasenda, por sua repartição competente e transmettira com toda a brevidade ao Sor. Tudor a decisão deste negocio logo que lhe seja communicado.

O abaixo assignado aproveita esta opportunidade para reiterar ao Sor. Tudor as expressoens de seu obsequio e estima.

Palacio do Rio de Janeiro, em 19 de Abril de 1829.

JOSE CLEMENTE PEREIRA.

No. 25.

Mr. Tudor to the Minister of Foreign Affairs.

Legation of the United States of America,
Rio de Janeiro, *April* 23, 1829.

The undersigned, chargé d'affaires of the United States of America, has the honor to address his excellency Josē Clemente Pereira, Councillor, Minister, and Secretary of State for Affairs of the Empire and charged *ad interim* with the Department of Foreign Affairs, and to submit some observations relative to the few claims that are yet unacted upon by the commissioners. The undersigned has, in several previous letters, adverted to these cases, and requested a settlement of them; and he will now make a general statement of the circumstances connected with them. The cases are four in number—the brig Budget, the brig Hannah, and the schooners Tell-tale and Adams; which vessels were captured just at the close of the late war, and their capture and condemnation accompanied by all those circumstances of irregularity and injustice which unfortunately marked, in an especial manner, the proceedings of the blockading squadron just before the conclusion of the war. They were besides attended, in some instances, by outrages of the most odious character, which have been mentioned in previous notes, to which the undersigned asks leave to refer your excellency, that he may avoid repeating occurrences of the most disgusting description.

These cases were given to the commissioners several months since; but as an appeal was pending, they received no directions to act upon them. But why should this delay take place? The captors, the *autos*, and the court are here present; and they might have been acted upon at any moment. The decision of the court of appeal is a matter of indifference to the claimants; they abandoned under formal protest, and looked to their own Government for redress, which now asks it of that of Brazil. The delay of a subordinate tribunal is merely a point of interior policy, which, as it depends entirely on the Government of Brazil, can only be regarded by that of the United States as the act of the former. Already the undersigned has received the instructions of his Government in one of the cases which were communicated in his note of the 23d ultimo, and the others are, if possible, of a still more urgent nature.

The undersigned respectfully requests your excellency to consider this subject, both on the grounds of policy and justice, which *seem* equally to require that an adjustment should be made, when no obvious advantage can result from procrastination. The amount of the whole four will not exceed 60,000 dollars. If a settlement be delayed, the hardship to the sufferers, and the aggravated nature of some of the transactions, will inevitably compel the Government of the United States to make a strong representation on the subject. Can the object of a few months' delay, for which no motive is apparent, be equivalent to the disadvantages of keeping open these irritating questions between the two Governments? The undersigned earnestly solicits your excellency, as an enlightened statesman, to take the business into consideration, and to direct the commissioners to adjust these claims; which will then terminate the whole of this unpleasant negotiation, furnish a decided proof of the just and friendly disposition of the Imperial Government, and, by removing all causes of complaint, it is hoped will place the relations between the two Governments in that state of harmony so desirable for the great interests of both, and which the undersigned hopes and trusts will never again be interrupted.

The undersigned avails himself of this opportunity to renew to your excellency the assurances of his very high respect and consideration.

W. TUDOR.

No. 26.

The Minister of Foreign Affairs to Mr. Tudor.

O abaixo assignado, do conselho de sua Magestade o Imperador, Ministro e Secretario de Estado dos Negocios do Imperio, e encarregado interinamente dos Negocios Estrangeiros, accusa a recepção da nota que em 23 de Abril lhe dirigio o Sor. Guilhermo Tudor, encarregado de negocios dos Estados Unidos d'America; requerendo a liquidação dos bergantines Budget e Hannah, e escunas Adams e Tell-tale, unicos que faltam a decider pelos commissarios Brazileiros e Americanos das

embarcaçoens da sua nação aprehendidas pela esquadra Brasileira que bloqueava os portos da republica de Buenos Ayres.

O abaixo assignado não julga necessario exponder ao Sor. Tudor que a forma representativa do Governo deste imperio, se oppoem expressamente a que o poder executivo se possa ingerir nas decisoens do poder judiciario; e visto estarem encetadas questoens juridicas sobre aquellos factos, hé esse motivo attentar as delongas indispensaveis em taes casos, porque senão tem ultimado aquellas reclamaçoens.

Agora porem que consta ao abaixo assignado, terem já sido julgados os tres ultimos navios, pode asseverar ao Sor. Tudor, que se acabam de expedir as ordens necessarias, para que venham a esta repartição os autos respetivos, a fim de serem remettidos com brevidade aos commissarios e bem assim se exige informação do processo do Budget, para tambem em tempo opportuno ter o mesmo destino; concluindo, se desta forma as desagradaveis occurrenças sobrevindas e apertando se cada ver mais os laces de amizade que tanto convem aos intereses de ambos Estados.

Tendo assim respondido o abaixo assignado á sobredita nota do Sor. Tudor, prevalece se da occasião para reiterar the as expressoens de seu obsequio e consideração.

Palacio do Rio de Janiero, 27 de Abril de 1829.

JOSE CLEMENTE PEREIRA.

No. 27.

The Minister of Foreign Affairs to Mr. Tudor.

O abaixo assignado, do conselho de sua Magestade o Imperador, Ministro e Secretario de Estado dos Negocios do Imperio, e encarregado interinamente da repartição dos Negocios Estrangeiros, accusa a recepção da nota que em 16 do corrente lhe dirigio o Sor. Guilhermo Tudor, encarregado de negocios dos Estados Unidos d'America, representando contra a aprehensão feita pelos officiaes da Alfandega de 1447 pezos, que erão desembarcados pelo seu concidadão Mr. Rudge, e pedindo a sua restituição. O abaixo assignado levou este assumpto no conhecimento de sua Magestade o Imperador, e recebeo ordem para dizer ao Sor. Tudor, que poste sobre este negocio estar ja começado hum processo judicial, com o fim de conhecer se havia o intento de dessaudar os direitos nacionaes, não podendo assim o Governo ingerir se nelle; com tudo como o Sor. Tudor e o commodoro da sua nação empenhão a sua palavra, assegurando as taes pezos erão destinados para pagamento de fornecimentos feitos a fragata Guerriere da sua nação determinou o mesmo augusto senhor que no thesouro publico se entregasse a ordem do Sor. Tudor igual summa e na mesma especie podendo a mandar ali receber; ficando a cargo d'aquella estação a liquidação do sobre dito assumpto no tribunal competente.

O abaixo assignado tendo assim satisfeito a requisição do Sor. Tudor prevalece se da occasião para reiterar lhe as expressoens de seu obsequo e consideração.

Palacio do Rio de Janeiro em 29 de Abril de 1829.

JOSE CLEMENTE PEREIRA.

No. 28.

Mr. Tudor to the Minister of Foreign Affairs.

LEGATION OF THE U. S. A.,
Rio de Janeiro, April 30, 1829.

The undersigned, chargé d'affaires of the United States of America, has the honor to acknowledge the receipt of the note of yesterday of his excellency Jose Clemente Pereira, Councillor, Minister, and Secretary of State for the Affairs of the Empire, and charged *ad interim* with those of the Foreign Department, and regrets to be obliged to trouble him again on the subject to which it refers.

The undersigned feels confident that he shall not be accused, during his residence at this Court, of having ever raised any difficulty in a mere matter of form, or occasioned useless trouble on a point of etiquette; and he therefore trusts that being obliged, in the present instance, to decline the course indicated in the letter of your excellency, respecting the money belonging to the United States, seized by the custom-house officers, he shall not be suspected of creating needless obstacles in the settlement of this singular and unexpected occurrence. The undersigned is convinced that it will appear, on reflection, an unusual course for him to give an order on the imperial treasury. Besides, the business belongs exclusively to the consul, Mr. Wright, as navy agent of the United States, and from whom this money was taken by the custom-house officers. The undersigned has no authority to act in the case, otherwise than in making it known to your excellency, and asking for redress; and he therefore requests that you would have the kindness to give an order for this money to be restored to Mr. Wright, from whom it was taken, either from the treasury or elsewhere, as your excellency may decide; he being the person duly authorized by his Government to act in these affairs.

The undersigned avails himself of this opportunity to renew to your excellency the assurances of his very high respect and consideration.

W. TUDOR.

No. 126.

Mr. Tudor to the Secretary of State.

LEGATION OF THE U. S. A.,
Rio Janeiro, April 30, 1829.

SIR: The present letter is intended for only a short supplement to the long despatches I have already prepared for this opportunity.

The finance committee of the Legislature have made a report differing from the project of the minister. They recommend abolishing the bank altogether; and the issue of "national rents" or treasury notes as a present substitute for the bank paper, and appropriating certain funds expressly for the gradual redemption of this stock, and not to make a loan. Among other resources destined for this sinking fund, they recommend the sale of many large and valuable estates belonging to certain convents, &c. The Chamber has under consideration charges against the Ministers of War and of Justice.

The present extra session is nearly at an end: the regular one begins in a few days; and, it is said, they will then proceed in the impeachment of these ministers, and add the Minister of the Treasury.

The affair of the English claims is at last nearly arranged. Lord Ponsonby told me last evening that the only point remaining to adjust was the rate of the exchange, and this I expect will be fixed on the basis I have assented to. The English also consent to a longer term of payment, extending the term to three years. Their whole claims will amount to about half a million sterling; ours to about three hundred thousand dollars; and the French to about half this last sum. The amount of the French claims had been greatly magnified.

The Emperor has made one or two journeys to Santa Cruz lately, and has recalled the Marchioness of Santos.

The state of political affairs here is not without a considerable share of interest at the present moment; but as I hope so soon to embark, and to pay my respects to you shortly after the arrival of this letter, I prefer leaving to conversation any remarks on this subject. Lord Strangford told me yesterday he was to have his audience of leave on the 2d of May, and will probably embark the day after.

Having persuaded this Government to settle three of the remaining cases mentioned in my previous letters, with even some hope that I shall be able to include the remaining one, that of the Budget, I shall have a few days' occupation before I shall be able to embark, which I am anxious to do in the Boston, expected daily from Montevideo. I announced informally to the minister some time since my permission to return, and shall, within a day or two, ask audience to take leave of the Emperor.

The English admiral still remains cruising outside. The French admiral, in the Duquesne, and one frigate only of his squadron, (a schooner having sailed this morning,) remain in the bay. The Guerriere sailed the 18th instant for Valparaiso. The Hudson is expected every day with the Boston, leaving the Vandalia at Montevideo.

I have the honor to be, with high respect,
Your most obedient servant,
W. TUDOR.

To the Hon. SECRETARY OF STATE, *Washington.*

P. S. I enclose a copy of the convention between Brazil and France, relative to the subject of blockade, which is a document that may be required for reference hereafter.

No. 127.

Mr. Tudor to Mr. Van Buren.

LEGATION OF THE U. S. A.,
Rio de Janeiro, May 30, 1829.

SIR: I have the honor to enclose a duplicate of my last letter, and first copy of the correspondence I have had with this Government since April 30th. I had strong hopes of being able to inform you by this opportunity that the business of the claims was finally closed; but the delay, which is inseparable here from every negotiation, deprives me of that satisfaction. I am, however, in expectation that this object will be effected in a very few days. All the claims, save one, (that of the schooner Adams,) are adjusted between the commissioners and the agents, and nothing is wanting to complete the transaction but the signatures and seals of the Minister of Foreign Affairs and myself. The commissioners are endeavoring to persuade the agents to modify the agreement for converting the milreas into dollars, at the rate of 1,500 reas to the dollar, but I have instructed them not to cede that point; and I was assured two days ago by Mr. Lisboa, chief clerk in the Foreign Department, that instructions had been given to close the awards at the exchange above named; so that this new effort, which produces a delay very vexatious to me, is, perhaps, only an effort on the part of the commissioners to give a proof of their zeal in the cause of their Government. I have availed myself of this suspension to make a fresh representation on the subject of the unsettled case above mentioned, which I have assured the minister is one that my Government will not fail to insist upon.

I had the pleasure, a few days since, to obtain an American paper containing the President's proclamation accompanying the ratified treaty with this Government, which has relieved me from solicitude on that subject. No despatches have been recently received from Mr. Rebello; and the Minister of Foreign Affairs was much gratified at seeing this ratification, and has published an official note announcing the event. They were also much pleased with the President's inaugural address, and the tone of dignity and moderation which characterized it, and have had it translated and published.

The English negotiation for claims has been arranged at last, so far as a preliminary agreement as to the basis and the rate of exchange, which last is fixed at 32*d.* the milrea; about the same rate as ours above mentioned. The claims are now to be investigated and settled by a commission; but this operation I apprehend will proceed very slowly, and I suspect a long time will be occupied in making the adjustment.

Lord Ponsonby intends returning to England with Admiral Otway in the Ganges, who will sail soon after Admiral Baker in the Warspite arrives, and who is now expected in the course of a few days. The French Admiral Roussin returns to France as soon as another admiral arrives to take this station. The Austrian minister, on account of some recent occurrences here, has asked leave of his Government to be exchanged to some other Court, and expects to depart in the early part of next year. A Russian minister is daily expected. The changes in the diplomatic corps have been very numerous the past year, and, of all the individuals contained in rather a large representation, only four of all ranks now remain who were here on my arrival.

There have been no political events of much importance since my last despatch. The event that has caused most conversation was the return of the Marchioness of Santos to favor, and which may have some important influence in this Court. The Chambers have authorized a loan of two millions and a half, offered to be contracted for by the house of Hope & Co. of Amsterdam, the proceeds of which are to be applied in buying up and cancelling a portion of bank notes for the purpose of meliorating the exchange.

The intended impeachment of some of the ministers has been relinquished, the party in opposition not finding itself strong enough to persevere, and knowing that it will be more numerous in the new legislature already chosen, which assembles next near. The Minister of Finance, in his report, calculates the whole debt, foreign and domestic, at forty-seven millions. The resources of this country are very considerable, and yearly increasing; and an able management of their finances would very soon restore the equilibrium.

The exchange will undoubtedly rise as soon as the slave trade ceases; the large exportation of dollars created by this commerce, and the extended import of English articles which are employed in it, both contribute to depress the exchange, and both will cease with the termination of this traffic. In the mean time, the extension of its limit from August to the end of the year has caused new exertions for the short term which it can continue, and it is pursued with an almost insane avidity. Their whole capital and enterprise are turned to it, and twenty-five millions are said to be invested in this pursuit.

Piracy is the natural association that arises in the mind with this nefarious trade, as it is its constant concomitant. On this coast no instance has come to my knowledge lately. The last American vessel which arrived passed, near the line, a ship in the possession of a three-masted schooner, which last gave chase for some time to the American; and during this time, the ship, which appeared to be nearly dismantled, hoisted her colors, which, in the distance, could not be accurately distinguished, but were thought to be English or Hamburg. Three English packets are known to have been lost the last year, and a fourth, it is feared, must be added to the list; piracy is the element to which this destruction is, in part at least, to be attributed.

The direction of the wind and current inclines the pirates to keep over towards the opposite coast; our vessels, therefore, which have no fear of Cape St. Roque on their return, are more exposed, as well as others, in their outward passage. Still the danger of pirates is so horrible, and, in my belief, so well founded, that, were it not for the expectation of being able to embark in the Boston, I should be strongly tempted to avail myself of Admiral Otway's kind offer of a passage in his cabin to England. We saw, with great satisfaction, the prompt energy of the President in consequence of some atrocious acts committed in the vicinity of Cuba. The former Spanish slave-traders are concerned in all the piratical transactions of the day. Would to God that it could be added that no Americans were either connivers or participators in their infamy!

I am now in daily expectation of the arrival of the Boston, as Commodore Creighton informed me that he would be here in company with her on the 20th instant.

The wretched situation of Buenos Ayres detains them in the Plate. At the last accounts, May 5th, the Boston and Vandalia were both at Buenos Ayres; and they, as well as two or three small English and French vessels of war, had landed all the men they could spare, to keep guard over the persons and property of their countrymen, exposed to a daily attack of the city, and the ruthless conduct that would ensue.

By all accounts, affairs seemed to be coming to a decision, and the flight of Rivadavia and Aguero, (who had embarked for France,) two of the principal advisers of the deplorable course pursued by Lavalle, together with the resignation of Brown, the late Governor of Buenos Ayres, seem to indicate that the prospects of the usurpation are nearly desperate. Lavalle has, however, refused the proposals of Lopez to negotiate. I enclose the documents. The French consul general, after a good deal of angry correspondence with the provisional Government, and being grossly insulted, had sailed for Montevideo, accompanied by two hundred of his countrymen, whom he had prevented from being obliged to bear arms. In one of the latest papers I have seen, which is the organ of the dominant faction, and which is enclosed, there is a confused statement of his having given a commission to Mr. Forbes, to act as chargé d'affaires of his nation during his absence; which commission the Government had treated with contempt, and Mr. Forbes is censured for having accepted. The only nomination the French consul could make, was that of a vice consul, and Mr. Forbes has too much experience to have committed himself. I have no letters from him later than the 24th of April, but I presume the whole affair will prove to be nothing more than a willingness, from policy and humanity, to aid with his good-will the subjects of France, (in the absence of any agent of their country,) who might be exposed to particular dangers, in the scenes of bloodshed and anarchy that seemed to be impending over that unfortunate society. I allude to these events, to contribute the imperfect information I possess, in case you should not have received more direct accounts. The termination of this crisis is looked for by every one with great anxiety.

A French ship of the line, and an English one, with a frigate, are all the foreign vessels of war at present in the bay.

I flatter myself with the hope that I shall be able to embark in the course of ten days, and that, soon after the receipt of this letter, I shall be able to communicate, personally, all the information I possess on political affairs in this quarter.

I have the honor to be,
With high respect,
Your most obedient servant,
W. TUDOR.

To the Hon. Martin Van Buren,
Secretary of State, Washington.

List of the following documents, containing correspondence with the Government of Brazil from the 6th of May to the 30th.

No. 1. Letter to the Marquis of Aracaty, in answer to his note communicating his having recovered from his late illness, and having resumed the duties of the Department, and requesting a decision on the question of converting the awards in *pezos fortes* into milreas, at 1,500 reas to the dollar.

No. 2. Letter from the Marquis of Aracaty, enclosing the report of the commissioners respecting the cases of the brig Joseph and schooner Shillelah, and stating the facts and reasons, which exonerate the Government of Brazil from any responsibility in those cases.

No. 3. Letter to the Marquis of Aracaty, acknowledging the preceding, and withdrawing the cases for the consideration of the Government of the United States.

No. 4. Letter to the Marquis of Aracaty, enclosing some custom-house documents relative to a return of duties claimed by Messrs. Maxwell, Wright, & Co., in the case of certain American vessels.

No. 5. Letter to the Marquis of Aracaty, asking an audience of leave of the Emperor.

No. 6. Note from the Marquis of Aracaty, in answer to mine respecting the return of duties on certain vessels, to say that the subject was referred to the Treasury Department.

No. 7. Note from the Marquis of Aracaty, respecting the losses sustained by certain Brazilian deputies, who were plundered by a privateer of Buenos Ayres, while on their passage from Bahia to Rio Janeiro, in an American vessel.

No. 8. Note to the Marquis of Aracaty, on the rate of exchange for the awards, and requesting a time to be named for attaching their signatures to complete the business; also, an earnest representation in the case of the schooner Adams, to obtain the adjustment of the claim in that case.

No. 9. Reply to the Marquis of Aracaty, on the subject of the loss sustained by the Brazilian deputies.

No. 1.

Mr. Tudor to the Minister of Foreign Affairs.

Legation of the U. S. A.,
Rio de Janeiro, May 6, 1829.

The undersigned, chargé d'affaires of the United States of America, has the honor to acknowledge the receipt of the note of yesterday from his excellency the Marquis of Aracaty, Councillor, Minister, and Secretary of State for Foreign Affairs, and tenders his congratulations that his excellency is so far recovered from his recent indisposition as to resume the direction of the Department for Foreign Affairs.

The undersigned requests his excellency to have the question of converting the *pezos fortes*, awarded for certain portions of the American claims, into milreas, at the rate of 1,500 reas to the dollar, decided. Though this rate is far above the exchange of the day, the agents on the part of the claimants are willing to accede to the arrangement; and the undersigned, though with some anxiety on the point, will not oppose such an adjustment, which, perhaps, under all circumstances, may be deemed an equitable one: but, as he daily expects the Boston sloop of war from Montevideo, and is only waiting her arrival to ask for an audience of leave of his Imperial Majesty, he feels very solicitous that this, and the few remaining subjects to be decided, should be acted upon without delay, and respectfully solicits his excellency to give the necessary orders for this purpose.

The undersigned avails himself, with great pleasure, of this opportunity, to renew to his excellency the Marquis of Aracaty the assurances of his very high respect and consideration.

W. TUDOR.

No. 2.

The Minister of Foreign Affairs to Mr. Tudor.

O abaixo assignado, do conselho de sua Magestade o Imperador, Ministro e Secretario de Estado dos Negocios Estrangeiros, tendo mandado ouvir os commissarios Brazileiros acercadas reclamações a liquidação dos dous casos das embarcações Americanas Shillelah e Joseph, produzaião estas razoens de tanto pezo que ellas fossem eliminadas da sobre dita liquidação que non pode o abaixo assignado deixar de concordar con ellas, interizamente, transmettindo ao Sor. Tudor a copia junta do respectivo officio para seu conhecimento.

O abaixo assignado certa na bon fé e dezejos que o Sor. Tudor tem constantemente mostrado de apertar as relaçoens existentes entre os dous Estados, não pode deixar de persuadir, se que reconhecera a soledir das razoens em que se estribão os commissarios; e aproveita a occasião para reiterar lhe as expressoens do seu obsequio e estima.

Palacio do Rio de Janeiro, em 6 de Maio de 1829.

MARQUEZ DO ARACATY.

[Document included in the preceding.]

Illmo. e Exmo. Sr.: Em vertude do officio de Va. Exa. de 23 do passado pelo qualsomos mandados declarar as razoes porque non admittimos á liquidação os dois casos das embarcações Americanas Shillelah e Joseph, viste não os termos especificado na generalidade do nossa conta de 28 de Fevreiro cumpre nos levar ao conhecimento de Va. Exa. quaes os motivos que nos determinarão a eliminar aquellos casos do pretendido ajuste e liquidação: Fallaremos 1° do Joseph depois do Shillelah.

O Joseph sahindo de Montevideo em a tarde do dia 1° de Marzo de 1826 com destino para Boston, fazendo escalo pelo Rio Grande, aviston logo a sahida um brigue de guerra Brazileiro, pertencente a escuadra então cruzando na boca do rio, e que se diz ter sido o brigue de nominado o Rio da Plata.

Seguindo no rhombo que lhe convinha ouvir logo á noitinha umtiro de canhão, o qual passado algum tiempo foi secundado por dois da escuadra, e immediatamente por outros dois mas de fusil, da brigue Brazileiro, que navegundo em cheio para Joseph, e prolongando se com elle, se chegon a falla e ordenon ao mestre, de vir a scubordo com os papeis do navio. Confessa o mestre que elle *recuzara* fazel o, tanto a 1 como a 2 ver, que foi para isso intimado, allegando por escuza verdadeira, o supposta estar o mor muito cavado, e a noite muito escura, e confessa mais que por força dessa sua accuza, onantes formal desobediencia, o commandante Brazileiro lhe ordenara de seguir com elle para o navio almirante, para cujo fim acendêra un alur que devia server lhe de parol. Diz se que o Joseph manobrara n'essa conformidade mas que perdindo de vista alur do brigue Brazileiro este vendo que aquelle o não seguia, virará etornando a disparar dois tiros de espingarda, outra ver intimára ao mestre do Joseph que, viesse a seu bordo com os seus papeis, o que sendo novamente recuzado, obrigára o commandante Brazileiro a intimar lhe que fundeasse. Fandeon com effeito o Americano, e no dia seguinte mandando o commandante do brigue imperial buscar no seu bote ao mestre do Joseph, e indo este, e aprezentando lhe os papeis, e endorsando os elle, lhe declarára que podia proseguir livremente na sua viagem.

Aqui finda a historia do encontro, segundo consta do protesto do mestre Americano, o qual ou porque não soubesse subsequentemente dirigir bem o seu rhombo, pois que elle mesmo confesso que perdera a altura, ou porque poner pratico nos baixios conesitegas do Rio, não manohara de maneira a evitabos e fugilos, veio de pois a esbarrar com o brigue encima do Banco do Ingles, onde e final se partia, e naufragon de todo, salvando-se todavia a tripulação. Na presença pois dos factos expendidos, e ainda dado que sejão verdadeiras as circumstancias antecedentes e concomitantes que os acompanhação, e quaes as refere o protesto do mestre, é evidente que o sinistro do navio não pode de nenhuma sorte imputar-se ao brigue Brazileiro. Perdeo se por um risco ordenario na navegação; perdeo se depois de encontro com um dos belligerantes, o que é una das eventualidades frequentes no estado de guerra, bem como se podeira pendu, se o nao houvesse. Attribuir pois a perda á fatalidade do encontro, e dal o por cauza efficienté, é um absurdo; e quem de cauzas remotas tirar effeitos que tem cauzas proximas e immediatas; e ainda concedendo por hypothesis, que do encontro procedera indirectamente o successo posterior do sinistro do navio; como seja certo que o acto precedente fora legal e innocente; legal pelo direito incontestavel do belligerante para facer effectivo o registro, maxime em lugar de suspeita, e innocente, por se não poder dar malicia, ou attribuir injuriar quande senza de um direito, seque-se que nenhuma para se reclamar do Governo Imperial a perda do navio em questão. O que não pode entrar em duvida, lendo-se o relatorio do proprio mestre Americano, e ainda quando se não dê o devido desconte as escuza que recorre, e aos termos effectados com que se exprime, e que elle resistira pertinasmente a intimação para ir abordo mostrar as seus papeis, pertinacia que alias seria bastante para legitimar qualquer acto de força maior que empregasse o commandante Brazileiro para se facer obedecer se com effeito não fora tão prudente ecomèdido, quanto do mesmo proteste ou relatorio se conclue imparcialmente.

Pelo que toca á escuna Shillelah, o que dos autos consta é, que ella sahira de Boston, *(Baltimore,) com o destino vago de entrar em qualquer porte da America do Sul,* onde lhe fizesse se conta: que tendo sido a Bahia, 17 dias depois fora apparecer nas aguas da Prata, demandando directamente o porto de Buenos Ayres, cujo bloqueio era notorio ao tempo da sua partida de Boston, (Baltimore,) e cuja continuação effectividade não podia ignorar na Bahia d'onda vinha, e lhe fora confirmada na vespera da sua arrestada pela escuadra imperial, pela falla que tivéra com um corsario Argentino, (o Niger,) consta mais que a mesma escuna se chégára tão perto do porto que vira e marcára as forças que mantinhão o bloqueio, e que sendo cassada pelos cruzadores e navios d'elle, fugira por dois dias successivos, até que a final posta entre dois portos, se vira obrigada a arrear as velas, sendo então arrestada e tomada; consta mais que dentro da escuna se achara no porão uma peça em rodizio de calibre doze, duas de seis com as competentes munições e palamentas, uma tonellada de bala d'aquelles calibres, e de outros, e quantidade de armas brancas e de fogo, com as correames e petrechos correspondentes. E consta ultimamente pelas cartas epanhadas abordo, e entranhadas nos autos, que a escuna viera com destino directo para Buenos Ayres, onde devera ser vendida e a ningum podera escapar, *para que emprego o seria*. Ora bastando o simples acto da fuga, para sugeitar o navio á sorta de preza, dado o estado de guerra, e se pre-existindo esta é defeso aos neutros o transporte de armas e munisões de guerra a algum dos belligerantes quer estejão e effectivamente bloqueiados, quer não os portos para onde se pretendão levar, se não pode aproveitar a escuna nem escuza da inventada necessidade de arribar a Buenos Ayres por falta de agua e lenha, quando é de verdade evidencial, que o seu trajieto da Bahia não possava o 17 dias ao mesmo tempo que se allega ser a sua viagem para o Pacifico, e ao mesmo tempo outro sim, que mais facil lhe era occorrer a essa simulada necessidade em Montevideo do que n'aquella outro porto, nem tambem de que a artilheria e armamento se destinara a defensa propria porque ainda n'esta gratuita supposição não havia proporção entre o material e o pessoal, é dizer, o numero da gente do navio, que não excedia a onze pessoas! como se do derá sustentar que a escuna em questão não fora bem condemnada na inferior e na superior instancia ?

O delicto estava radicado desde o começo da viagem, e os factos subsequentes não fizerão mais do que abrir e acção para a execução da pena que lhe corresponde pela lei das nações. Consequentemente os tribunaes do Brazil não se excederam applicando este ; e se por outra poste nenhuma irregularidade se practicon, quanto as formulas, por quanto mostra, se que os capturados forão chamados a Juiso, ouvidos é admittidos a allegar o que lhes conveio ? que injustiça se pode arguir n'este caso que fundamento a reclamação do Governo dos Estados Unidos para se compar aos aprezados a perda em que por seus proprios factos elles in correrão ? a admissão dessa reclamação importaria nada menos do que o reconhecimento de um direito subversivo, e que só pode ter apoyo na força, scilicet, o de dever se ceder na applicação segundo a grandeza relativa de um ou outro estado, ao que se sustenta em lhe se ser direito inquestionavel do belligerante. Ora a poder relativo e a grandeza de um estado acerca de outro, não da direitos algums addicionaes ; e sustentar um grande principio, quebrando todos os outros, é atacar a independencia e a dignadade de todos os Governos, o que por certo não pode ser da intenção do dos Estados Unidos, nas suas amistosas relaçoens com o Governo de sua Magestade o Imperador.

Taes são os motivos porque recuzamos entrar em ajuste de liquadação acerca dos dous navios de que e questão ; motivos que esperamos haja de merecer a gracioza approvação do mesmo agusto Senhor, como muito dexajamos.

Deos guarde a Va. Exa.—Rio de Janeiro, 1 de Maio de 1829.

Illmo. e Exmo. Sor. JOSE CLEMENTE PEREIRA.

DIEGO SOARES DA SILVA DE BIVAR.
ANTONIO JOSE DA SILVA LOUVEIRA.

Esta conforme : BENTO DE SILVA LISBOA.

No. 3.

Mr. Tudor to the Marquis of Aracaty.

LEGATION OF THE U. S. OF AMERICA,
Rio de Janeiro, May 9, 1829.

The undersigned, charge d'affaires of the United States of America, has the honor to acknowledge the receipt of a note of the 6th instant from his excellency the Marquis of Aracaty, Councillor, Minister, and Secretary of State for Foreign Affaires, containing a statement of the facts and reasons which the commissioners for the settlement of American claims have made to his excellency respecting the cases of the brig Joseph and the schooner Shillelah, and which they deem sufficient to exonerate the Government of Brazil from any demand respecting those vessels.

His excellency having coincided with the views taken by the commissioners, the undersigned has withdrawn those cases, referring the subject to the consideration of his Government, for which purpose he will forward copies of the aforementioned statement by the commissioners.

The undersigned avails himself of this occasion to repeat the assurances to his excellency the Marquis of Aracaty of his very great respect and consideration.

W. TUDOR.

No. 4.

Mr. Tudor to the Marquis of Aracaty.

LEGATION OF THE U. S. A.,
Rio de Janeiro, May 13, 1829.

The undersigned, chargé d'affaires of the United States of America, has the honor to address his excellency the Marquis of Aracaty, Councillor, Minister, and Secretary of State for Foreign Affairs, and at the request of Messrs. Maxwell, Wright, and Company, to enclose some documents relating to an extra payment of duties on certain vessels to their consignment. Messrs. Maxwell, Wright, and Company, state to the undersigned that the delay of obtaining these documents from the custom-house has prevented an earlier representation on this subject, respecting which, the principal facts are thus given: that the ships Hesperus and Potosi and the brig Lion were in this port, to their consignment, at the time the law for the equalization of duties took place; that the two latter vessels, being *enfranquia* were, by law, at liberty to depart, and therefore without the sphere of the revenue laws; and that they confidently expected the cargoes they discharged after the new law took effect would only be subject to the existing duties, but, on the contrary, the former duties were insisted upon, by which the property was obliged to pay the duty that had been repealed; and that the injustice of this decision by the custom-house, if duly represented, would be remedied by the Minister of the Fazenda; and, with the hope that this justice may be done them, they solicit that an order may be given allowing the amount thus overpaid to be deducted from their future payments of duties at the custom-house.

Under this representation, and with the additional allegation that the case is precisely similar to that of the brig Thule, in which redress was promptly and magnanimously given by his excellency the Minister of Fazenda, the undersigned cannot decline enclosing these documents to your excellency, with the confidence, that if, after investigation by the proper department, this case shall be found justly entitled to revisal and redress, that the requisite orders will be issued to that effect.

The undersigned avails himself of the opportunity to renew to his excellency the Marquis of Aracaty the assurances of his high consideration and respect.

W. TUDOR.

No. 5.

Mr. Tudor to the Marquis of Aracaty.

Legation of the U. S. A.,
Rio de Janeiro, May 18, 1829.

The undersigned, chargé d'affaires of the United States of America, has the honor to address his excellency the Marquis of Aracaty, Councillor, Minister, and Secretary of State for Foreign Affairs, to announce his intended departure at an early day. The very impaired state of health which he had suffered for a long time, combined with a prolonged absence from home, induced him to send, by the bearer of the treaty, his resignation to his Government, and to ask permission to return. The President accepted the former, and granted the latter, in the kindest manner.

The undersigned, some time since, communicated these circumstances informally; but it is now proper that he should state that he was instructed by his despatches as follows: "to assure his excellency the Minister of Foreign Affairs that the Government of the United States may be expected to replace you as soon as a suitable successor can be designated and sent to the Brazils." The Boston corvette is daily expected from Montevideo, to call here on the way to the United States, and the undersigned has signified to the commodore commanding the squadron his wish to embark in that ship. From the circumstances of her extended cruise, and having many supernumeraries on board, it will be impossible the corvette should remain here more than a very few days; the undersigned is, in consequence, making every preparation to be in readiness to embark, and therefore solicits his excellency to obtain for him the honor of an audience of leave of his Imperial Majesty the Emperor of Brazil.

The undersigned, under these circumstances, need not dwell on his anxiety to complete, without delay, the few formalities relative to the claims, and entreats his excellency to cause the requisite steps to be taken for that purpose.

The undersigned avails himself of this occasion to request his excellency the Marquis of Aracaty to accept the assurances of his very high respect and consideration.

W. TUDOR.

No. 6.

The Marquis of Aracaty to Mr. Tudor.

Não podendo ainda responder ao Sor. Guilhermo Tudor, encarregado de negocios dos Estados Unidos de America, sobre o negocio do excesso de direitos que julga dever restituir e alfandega dos que percebeo sobre os generos dos navios Americanos Hesperus, Potosi, e Lion; cumpreme certificar lhe que o facer opportunamente a sua nota de 13 do corrente logo que receber esclarecimentos que acabo de pedir ao Sor. Ministro do Fazenda sobre o assumpto em questão. Reitero ao Sor. Tudor as expressoens do meu obsequio e consideração.

Palacio do Rio de Janeiro, 18 de Maio de 1829.

MARQUEZ DO ARACATY.

No. 7.

The Minister of Foreign Affairs to Mr. Tudor.

Palacio de Rio de Janeiro, 26 *de Maio de* 1829.

O abaixo assignado, do conselho de sua Majestade o Imperador, Ministro e Secretario d'Estado dos Negocios Estrangeiros, ja traton verbalmente como o Sor. Guilhermo Tudor, encarregado de negocios dos Estados Unidos d'America, relativamente as reclamações que existem nesta Secretaria de Estado dos Senadores Manoel Ferreira da Camara de Bittencourt, e de Luiz Jose d'Oliveira, Dezembargador Bernardo Jose de Gama; e dos deputados a Assemblea Legislativa, Jose Carlos Pereira d'Almeida Torres, Jose Candoza Pereira de Mello, Antonio Augusto da Silva, Antonio da Silva Telles, Jose Lino Continho, Jose Ribeiro Soares da Rocha, Jose Nunes Barbora de Madureira Cabaal, Manoel Jose de Albuquerque, Joaquim Marcelino de Brito, Antonio Ferreira Fransa, e Luiz Paulo de Aranjo Bastos, os quaes tendo de vir da cidade da Bahia para esta corte tomar, assento nas lamar as respectivas, e fundando se no principio adoptado pelo Governo dos Estados Unidos de que a bandeira cobre a carga, fretarão com preferencia e com grande dispendio os brigues Americanos Plant e Ontario, os ques longe de serem respeitados pelos corsarios de Buenos Ayres que infestavão as costas do Brazil, forão por elles roubados de tudo o quetrarião alem dos insultos, que soffrerão em suas pessoas; julgando se por isso com todo o dereito a serem indemnizados das perdas que tiverão. E supposto o Sor. Tudor tivesse dito que havia sugestado iste caso ao seu Governo, de quem esperava as competentes instrucções e isto então satisfizesse ao abaixo assignado; com tudo agora vê se na necessidade de rogar ao Sor. Tudor que lhe haja de dar huma resposta official a este respeito; visto que a maneira confidencial com que se traton este caso não pode se visalvar a sua responsibilidade tendo de dar decisão aos prejudicados no dito roubo.

O abaixo assignado, com a conhecida urbanidad e honra do caracter do Sor. Tudor, espera a sua resposta, e lhe renova as expressões de seu obsequio e estima.

MARQUEZ DO ARACATY.

No. 8.

Mr. Tudor to the Marquis of Aracaty.

LEGATION OF THE UNITED STATES OF AMERICA,
Rio de Janeiro, May 27, 1829.

The undersigned, chargé d'affaires of the United States of America, has the honor to address his excellency the Marquis of Aracaty, Councillor, Minister, and Secretary of State for Foriegn Affairs, and to submit some remarks on the result of the meeting of the agents of the claims with the commissioners of yesterday.

It appears that they could not agree on the subject of the exchange, but have agreed to and signed the awards in the previous form of *pezos fortes*. When the undersigned first heard, unexpectedly, that a difficulty had arisen on this point, he was convinced that the agents could not make an arrangement, as both they and the undersigned had fully understood, not only from the settlement of the case of the Spermo, but from conversations with the commissioners and Mr. Lisboa, that the Government had concluded to make the ratio of exchange 1,500 reas. This rate may be considered a fair one, though, as the undersigned apprehends, it will rather produce a loss to the claimants. It is higher than the ratio of 32*d*. in English exchange, adopted, as it is understood, for a basis in another arrangement. The undersigned assented to it with reluctance, out of deference to the wishes of the Government of Brazil, and from the opinion of the agents that the rate might be considered a *fair* one, and that it would be mutually convenient to settle the question of exchange now. He is not, therefore, tenacious on the point, and if the Government be averse to the settlement at this ratio, the awards can remain as they are, and the undersigned requests his excellency to name the earliest day when he can call on him for the purpose of giving their signatures to the awards, and thus complete the business. To-morrow being a holiday, if his excellency would designate Friday, the 29th, it would be a gratification to the undersigned.

There is another point on which the undersigned regrets to trouble his excellency, and more particularly so as he thought the question had been decided in relation to the schooner Adams, and which, for obvious reasons, he is very desirous should be effected, and which, from the previous representations he had made on the subject from the first account of the capture, the opinion expressed by Dr. Bivar, after examining the *autos*, and from the unquestionable injustice of the condemnation, he felt fully impressed, when his excellency mentioned in their last interview having giving directions that morning to terminate all matters before the commissioners, that this case was included. The difficulty that has arisen is, in many respects, to be regretted. Of all the claims that have been presented, none is more perfectly fair, none where the intentions of the owner and the conduct of the captain were more opposed to all intention of contravening the blockade, and none where the condemnation was more unexpected; for so notorious were the circumstances of this most unjustifiable capture, that, on the arrival of the vessel at Montevideo, it was the general opinion that she would not even have been brought to trial. The desperate determination to one purpose, reckless of every ultimate evil, which signalized the conduct of the captors at the close of the war, and which was implicitly seconded by the court, could alone have generated the proceedings which took place in the instance of this vessel. It is understood that the unfortunate owner has subsequently failed under the loss of this property, whose restoration might now tend to alleviate his misfortunes. The undersigned cannot help avowing his mortification, after the examination he had made of this case, his unhesitating conviction of its unjust condemnation, and the very pointed assurances he made upon it in consequence to your excellency and the commissioners, that it should now be refused. He regrets, most especially, that this case, small in amount, should form an exception to that general adjustment of all the claims on a liberal basis which he should have been so happy to acknowledge personally to the Government of Brazil, and to report to his own on his return; and that a case of gross injustice is thus left open to form a subject of new representations hereafter, and to compel the Government of the United States to urge a further demand in the case. The undersigned has been thus led to dwell upon it, in the hope that his excellency will yet be induced to order its adjustment.

The undersigned avails himself of the occasion to request his excellency the Marquis of Aracaty to receive the assurances of his very high respect and consideration.

W. TUDOR.

No. 9.

Mr. Tudor to the Marquis of Aracaty.

Legation of the U. S. A.,
Rio de Janeiro, May 27, 1829.

The undersigned, chargé d'affaires of the United States of America, has the honor to acknowledge the receipt of a note dated yesterday from his excellency the Marquis of Aracaty, Councillor, Minister, and Secretary of State for Foreign Affairs, on the subject of the plundering, by a Buenos Ayrean privateer, of several distinguished Brazilian gentlemen, while on their passage from Bahia, in American vessels, to this Court, to take their places in the respective Chambers of the Legislature, of which they were members.

The undersigned regrets to repeat what he had the honor to observe to his excellency on a former occasion, verbally: that he sees no hope of redress for the outrage those gentlemen experienced from the enemies of their country. It was manifestly impossible for an unarmed neutral to protect them from such violence; and the opinion they have imbibed, that the Government of the United States is responsible, on account of their willingness to establish the principle that the flag covers the property, it will, on reflection, be evident to them, can only apply where the principle is mutually acknowledged; and in this case, it would have been necessary to produce security that it should have been so by Brazil and Buenos Ayres, as well as by the United States.

Though the undersigned feels no doubt that this view of the subject is correct, he will not fail to make it known to his Government for further consideration.

The undersigned may cordially congratulate his excellency that, by the

treaty now existing between their respective countries, such an outrage would be disavowed by them ; and it may be hoped that, at no distant day, when the progressive spirit of improvement shall have made such generous and beneficial principles common to all nations, the despoiling of peaceful passengers will be regarded in the same light at sea as on land, and will be everywhere stigmatized and chastised like any other act of highway robbery.

The undersigned renews to his excellency the Marquis of Aracaty the assurances of his high respect and consideration.

W. TUDOR.

No. 10.

The Minister of Foreign Affairs to Mr. Tudor.

O abaixo assignado, do conselho de sua Majestade o Imperador, Ministro e Secretario de Estado dos Negocios Estrangeiros, accusa á recepção da nota que lhe dirigio o Sr. Guilhermo Tudor, encarregado de negocios dos Estados Unidos de America, participando que tinha obtido licença para se retirar a sua patria em consequencia do mao estado da sua saude.

O abaixo assignado escusa testemunhar ao Sr. Tudor o sentimento que, não so sua Majestade o Imperador, com toda a sua corte experimentarão, com a sua retira da desta corte ; porque as distinctas qualidades de que le ornado o Sr. Tudor, e o espirito de moderação que o animou em todas as negociaçoens que teve ordem de tratar, farião certamente desejar que se demorasse, aqui o maior tempo possible para a bem de ambos os paises ; podendo o Sr. Tudor ficar persuadido de que a sua pessoa jamais deixara de ser lembrada com saudade por todos os que como o abaixo assignado tiverão a fortuna de o tratar mais de perto.

O abaixo assignado ainda não solicitou a audiencia, que o Sr. Tudor deseja ter de sua Majestade o Imperador; visto que não tendo ainda chegado a corveta Boston, em que pertende ir, nem mesmo não se achando ainda concludas as formalidades do ajuste das reclamaçoens, convem primeiramente preencher-se ste dever ; assegurando o abaixo assignado que elle não deixará de lhe participar com anticipação o dia em que ha deter lugar a dita audiencia.

O abaixo assignado renova ao Sr. Tudor as expressoens do seu obsequio e estima.

Palacio do Rio de Janeiro, em 29 de Maio de 1829.

MARQUEZ DO ARACATY.

No. 11.

The Minister of Foreign Affairs to Mr. Tudor.

O abaixo assignado, do conselho de sua Majestade o Imperador, Ministro e Secretario de Estado dos Negocios Estrangeiros, accusando a recepção da nota que lhe dirigio em data de 27 do corrente, o Sr. Guilhermo

Tudor, encarregado de negocios dos Estados Unidos de America, tem a honra de dizer lhe, quanto ao negocio da reducção dos pesos fortes em que se liquidarão as reclamações Americanas a razão de 1,500 rs. cada hum, que os commissarios Brazileiros se achão plenamente instruidos pelo abaixo assignado para se terminar este negocio de huma ves.

Relativamente a escuna Adams, havendo os commissarios Brazileiros que não tenhão comprehendido o seu cargo com as outras reclamações Americanas, o abaixo assignado lhe acaba de ordenar que exporessem com toda a brevidade as rasoens em que se fundarão, as quaes o abaixo assignado transmettira ao Sr. Tudor com aquellas observaçoens que parecerem convenientes addicionas.

O abaixo assignado renova ao Sr. Tudor as expressoens de seu particula estima.

Palacio do Rio de Janeiro, em 29 de Maio de 1829.

MARQUÉZ DO ARACATY.

No. 12.

Mr. Tudor to the Minister of Foreign Affairs.

LEGATION OF THE UNITED STATES OF AMERICA,
Rio de Janeiro, June 1, 1829.

The undersigned, chargé d'affaires of the United States of America, has the honor to acknowledge the receipt of the two notes of the 29th instant, from his excellency the Marquis of Aracaty, Councillor, Minister, and Secretary of State for Foreign Affairs; and is gratified to find by one of them, that the question relative to the exchange is settled, and that the unsettled case of the schooner Adams will receive further examination, which the undersigned, being fully satisfied of the justness of the claim, cannot help flattering himself will be adjusted.

The answer of his excellency to the note of the undersigned, communicating his permission to return to the United States, and soliciting an audience of leave of his Imperial Majesty, is expressed in terms too courteous not to be gratefully acknowledged. It is certainly a high gratification to him, that, in the various important negotiations which were intrusted to him, the spirit by which he has been animated is justly appreciated by the Government of Brazil. At the same time, he cannot forbear adding, that the conviction he felt, from their first interview, of the uprightness and sincerity of his excellency the Marquis of Aracaty, and that he would give a patient and dispassionate examination to the various and important subjects of their negotiations, and to the view of an enlightened statesman he joined a corresponding desire to maintain the most perfect amity and harmony in the relations between the two countries, impressed the undersigned, from that moment, with the highest confidence in the result, which this disposition on the part of his excellency has so essentially contributed to produce, and which good understanding the undersigned most fervently hopes may forever remain uninterrupted.

The undersigned avails himself of the occasion to repeat the assurances to his excellency the Marquis of Aracaty of his very high respect and consideration.

W. TUDOR.

No. 128.

Mr. Tudor to Mr. Van Buren.

Legation of the United States of America,
Rio de Janeiro, May 31, 1829.

Sir: Since closing my despatch of yesterday, I have received two notes from the Minister of Foreign Affairs, being replies to letters contained in the copy of correspondence that was enclosed, and which, on account of that connexion, I have numbered to be attached to that first copy. The first of these letters is an extremely courteous answer to the official communication of my permission to retire, and requesting an audience of leave; and the second is an answer on the subject of the exchange at which our awards are to be liquidated, and a promise to inquire further into the unsettled case before particularized.

I have also just received a letter from Commodore Creighton, dated at Montevideo the 13th instant, in which he tells me that he shall sail for this port in a few days, and that the Boston will proceed forthwith for the United States. The Boston and Vandalia were still before Buenos Ayres; and he mentions that negotiations are going on, which, it is hoped, will terminate the civil war, whose ravages in a short period have been enormous.

The answer of Lavalle to the propositions of Lopez, enclosed in my last, would, at first glance, seem to have closed all opening to a pacification; but this answer was probably adopted from motives of policy, and other circumstances favor the idea of negotiations being continued. The flight of Rivadavia and Aguero, and the resignation of Brown, serve to indicate that the promoters of the present violent usurpation considered its final success as hopeless, and feared personally the consequences of a reaction. Besides, Lavalle had named a Council of State to advise the Government, and this council was composed of men of different parties. Puyerredon and Guido and others of this council were opposed to the proceedings of Lavalle, and it is to be presumed that they were named to act as mediators, to facilitate the intercourse with the country party. There is therefore a hope that peace will be restored; and the moment an arrangement should take place, I presume the squadron will sail for this port, and I flatter myself that it will arrive in the course of ten days, when I hope to embark on my return.

I have the honor to be, with high respect, your most obedient servant,
W. TUDOR.

To the Hon. Martin Van Buren,
Secretary of State, Washington.

No. 129.

Mr. Tudor to Mr. Van Buren.

Legation of the United States of America,
Rio de Janeiro, June 15, 1829.

Sir: I had the honor to receive, two days since, by the Brazilian consul general, who was the bearer of the ratified treaty, your despatches Nos.

12 and 13. The latter of these related to the case of the brig Budget, of Baltimore, which I have the satisfaction to inform you was adjusted some time since, on terms extremely favorable to the owners of that vessel.

In the present state of our relations, it was very agreeable to me to be able to communicate to the Minister of Foreign Affairs the amicable assurances (contained in the former letter) of my Government towards that of Brazil; and which I had an opportunity of doing the same day, as the minister called on me to name a time for signing the awards of the commissioners, which we shall do to-morrow, and which will terminate that negotiation. He seemed to me particularly gratified with the assurances referred to, of which he requested a copy to communicate to the Emperor.

The expediency of an exchange of a higher class of diplomatic functionaries than now exists, to represent their respective Governments, naturally arose on this occasion. I think they are very desirous that such a change should take place; and this desire is not confined to the Court only, but is felt by all parties in this country. I have, on a former occasion, ventured to recommend that an appointment of a full minister to this Court should be made; and I have been repeatedly assured that they will correspond to such a nomination. Many reasons for this measure are too obvious to require any remark; others of a more particular character I forbear enumerating, as I hope so soon to have the honor of a personal interview, and to submit, without reserve, to the President and yourself, all the information which I may have it in my power to offer relative to this empire.

It seems now to be fully believed that a matrimonial contract has been made, on behalf of the Emperor, with a princess of Baden, and that arrangements are ordered for bringing her to this Court without delay. This, for various reasons, is an important event to this Government; and will tend to increase a confidence in its stability, and therefore to facilitate its future improvement and prosperity.

I have no late letters from Buenos Ayres, but there are dates to the end of May; and it appears from all accounts that the tragic episode of Lavalle's violent usurpation is nearly over, after causing great misery and devastation; and by bringing an Indian banditti into an active share in the civil war, created a very serious, and, it may be feared, lasting mischief for that unfortunate country. At the time our ships left the river, the city itself was the scene of actual conflicts, and its whole population involved in the greatest anxiety and danger. Foreigners had been much alarmed, but the French seem to have suffered the most; and the senior officer of the ships of that nation had taken possession of some vessels belonging to the Government, as a pledge for the safety of his countrymen. The French chargé d'affaires informed me this morning, that if Admiral Roussin did not receive some satisfactory accounts in the course of a week, he intended going himself to that quarter. My letters from Mr. Forbes were, I presume, confided to Mr. Kortright, our late acting consul, and he is on board the Boston.

Commodore Creighton arrived here on the 12th instant, with the Vandalia in company. The Boston parted from them five days before, and has not yet arrived. Some persons think that she has proceeded on her passage home, though the commodore considers such a course wholly incredible. If this should be the case, I shall have to choose between running the gauntlet through pirates in a merchant vessel, or going by the way of England. Admiral Otway, in the Ganges, returns very shortly, and has very kindly wished me to take a place in his cabin; and Lord Ponsonby, who returns in that ship on leave, urges me to join him. I am induced to mention this dilemma of merely a personal nature, to say how much gratified all Americans abroad are at the sensibility manifested by the President on the atrocities of piracy, and at the prompt disposition he has shown to exterminate this evil, which is so active and extensive in some parts of the coast of Africa and the West Indies. In my interview with the minister to-morrow, some day will be fixed upon for my having a final audience of the Emperor; and I hope to embark before the end of the month.

I return my sincere thanks for the order respecting convoy, and
Have the honor to be,
With high respect,
Your most obedient servant,
W. TUDOR.

To the Hon. Martin Van Buren,
Secretary of State.

No. 130.

Mr. Tudor to Mr. Van Buren.

Legation of the United States of America,
Rio de Janeiro, June 24, 1829.

Sir: I have the honor to enclose duplicates of my two last letters.

Two French vessels of war arrived the day before yesterday from Montevideo, by which we learn that the differences between the French and the Government of Buenos Ayres had been arranged. French subjects were to be placed on the same ground as the citizens of the United States and the subjects of Great Britain, and the French consul had returned to that city. The inhabitants of Buenos Ayres were reduced to great distress. Montonero parties were traversing the city at discretion; a great scarcity of food prevailing, and famine, with its accompanying diseases, beginning their ravages. I have received no letters from Mr. Forbes, but I am informed that negotiations between the parties were going on, under the mediation of the American and English chargés d'affaires, which it was hoped would speedily terminate these calamities by restoring peace.

Since my last I have signed duplicate documents with the Minister of Foreign Affairs ratifying the proceedings and awards of the commissioners relative to our claims; and that business is completed. The documents are now in the department of the Minister of Finance, for the purpose of making out the bonds to be delivered to the respective agents of the claims. This I am assured shall be effected by the end of the month, and my detention here will enable me to see it realized. Every case that I have urged has been agreed upon, except that of the schooner Adams, which the documents appear to furnish fair grounds for refusing;

but which I am convinced is a claim that ought to be paid, and, on the exhibition of further testimony, I have no doubt will be hereafter adjusted; an expectation which I have clearly stated to the Marquis of Aracaty, while I informed him that I should not insist at present on that demand, but leave it till further proofs should be produced by the claimant.

The English Admiral Sir Charles Baker, in the Warspite 74, and the French Admiral Grivelle, in a 60-gun frigate, arrived three days ago, to replace Baron Roussin and Sir Robert Otway.

The former returns to France next month, and the latter sails on the 28th instant, taking home Lord Ponsonby. Baron Antonini, chargé d'affaires from Naples, arrived here this week, and brought me a letter of introduction from Mr. Brown, in Paris. The Russian minister is expected next month from Bordeaux, and will be accompanied by Joseph Bonifacio Andrade, the most influential of the Brazilian patriots, who brought about the declaration of Brazilian independence, but who was subsequently proscribed and banished.

There is now no longer any doubt that the Boston is on her voyage home; the circumstances that have produced this course occasion various conjectures. I have now to decide between waiting for the Vincennes, probably on the passage home, or going in some merchant vessel; but probably shall take the latter alternative. The accounts of pirates are nevertheless sufficiently disquieting. We have had three different accounts of them within a week. One, an American whale-ship, was boarded seven or eight months since, near the line, by a piratical cruiser, fitted out at St. Thomas's. The pirate took several articles from her, but gave others in return, and after cutting one of his own crew severely with a sabre, left him on board the whale-ship. This man, a Frenchman, was cured of his wounds, and is now on board the Hudson. A second case was that of an English armed merchant ship bound to India, that had an engagement near the line with a pirate, in which she had one man killed, and the captain and mate wounded; but proceeded on her voyage, sending the information to the English admiral here by a vessel that spoke with her. The third case was also near the line, which happened to an English brig of war that was, in place of a packet, bringing out the last mail, and which chased the pirate in vain; the latter showing no colors.

This evil, so frightful in all its consequences, is rather increasing than diminishing, and it may be feared will last a long time if the most strenuous efforts are not made to destroy it. All our valuable ships going to or from any of the countries on the Pacific ocean, not to mention our whole commerce with this coast, are especially exposed to it. I hope that I shall be excused, therefore, if I repeat some suggestions made in former letters to the Department, as well as to that of the Navy.

While the war existed between Brazil and Buenos Ayres, the presence of a discreet and intelligent commander, permanently on this station, for the purpose of offering immediate protection to his countrymen against aggression, and corresponding with the commander of the Brazilian squadron in the river Plate, was of obvious utility; and in this situation Commodore Biddle rendered very important services. Now that peace is restored, a modification of our force may be very advantageously made. We have now only a frigate and sloop of war on this station, and hitherto the squadron has chiefly remained in the Plate, during the troubles that have distracted Buenos Ayres, which it may be hoped are now over. The presence of a frigate like the Hudson permanently stationed here, and perhaps occasionally making a call at one of the adjacent ports, seems to be of little use. The same expense would maintain two sloops of war at least. With three sloops of war, (and, if the appropriations would permit it, four,) a very efficient system of cruising might be established, that would go far to break up the operations of pirates.

If our squadron should be so modified as to consist of three or four sloops of war, they may have one directing commander, or act under their own immediate officers, on a general system, prepared by the Navy Department. Such a plan would combine this and the opposite coast in one regular cruising station, so arranged that they should all be actively employed, calling in succession at Montevideo, Rio Janeiro, Bahia, and Pernambuco; then cruising parallel with the line a few degrees north and south of it, which is the principal station for pirates, examining very closely the Cape de Verds and their vicinity, and visiting successively the several ports on the coast of Africa, within the limits of this circle. By such a plan our force would be doubled in effect as well as appearance; by its activity and constant movement, pirates would find that their cruising ground near the equator was constantly watched, and they would be forced to abandon it. Employment would be given to a greater number of officers, and more experience gained in their profession; more efficient protection would be given to our commerce, without any increase of expense; and the various disadvantages and dispiriting consequences of a long anchorage of a large ship in one port would be avoided. It is true that the English and French have an admiral constantly on this station, and who does not leave this port except for an occasional visit to Montevideo or Bahia, merely to refresh his crew by the excursion; but they have each of them from eight to ten vessels under their command, whose cruising they direct; and the English admiral commands all their naval force on both coasts, extending from Pernambuco to Guayaquil, and occasionally even to St. Blas. Our arrangement is different; and policy requires that we should make the most of the too limited means placed at the disposal of the President. A plan something like this I have here hastily sketched will, I am persuaded, be productive of most protection to our trade, and most utility and reputation to our navy.

The Marquis of Palma, the head of the Emperor's household, sailed last week for Europe, it is supposed to bring out the princess of Baden.

There has been no political occurrence here of late of sufficient importance to communicate.

I have the honor to be, with high respect,
Your most obedient servant,
W. TUDOR.

To the Hon. Martin Van Buren,
Secretary of State.

No. 131.

Mr. Tudor to Mr. Van Buren.

LEGATION OF THE UNITED STATES OF AMERICA,
Rio de Janeiro, July 2, 1829.

SIR: I have just had the honor to receive your despatch No. 14, while in the city for the purpose of preparing for my departure. I had just before settled with the Minister of Foreign Affairs the time of having my final audience of the Emperor, and had made my farewell visits to the ministers, having already engaged my passage, packed my baggage, agreed to give up my house, and was to have sailed on the 7th instant. I could not, however, hesitate long in complying with the intimation of the President's wishes, and I shall wait till further orders.

By the documents enclosed you will perceive that the business of the claims is closed, excepting the few cases suspended for further proof, and orders from the Department; and, by the two papers numbered 6 and 7, that the awards, and the exchange at which they are to be paid, are finally and fully ratified by the Marquis of Aracaty and myself. The bonds are not yet issued; but the delay is owing to the illness of Mr. Calmon, Minister of Finance. As soon as he is able to resume his seat in the Chamber, the subject will be acted upon there, and then the bonds will be delivered. I called on him this week on the subject, and in a friendly way he received me, though in bed; he told me he could order the bonds to be prepared immediately, but the Chamber must pass a vote upon the subject before they could be delivered. The Marquis of Aracaty afterwards told me, that he only waited for Mr. Calmon's recovery, in order to send the documents to the Chamber, that he might be there to answer any questions; but he said, even supposing it possible any difficulty should occur there, it would make no difference to us; that his Government was answerable, and must comply with our agreement.

I am writing in haste, and cannot refer to other topics, though there is nothing of very special moment to communicate. Lord Ponsonby sailed on the 28th ultimo in the Ganges, for England.

I have the honor to be,
With high respect,
Your most obedient servant,
W. TUDOR.

To the Hon. MARTIN VAN BUREN,
Secretary of State.

List of the following documents, containing correspondence with the Government of Brazil from June 8 *to June* 30, 1829.

No. 1. Letter to the Marquis of Aracaty, requesting the release of certain American seamen.

No. 2. From the Marquis of Aracaty, enclosing a statement from the commissioners of their reasons for not admitting the claim of the schooner Adams.

No. 3. Statement of the commissioners above mentioned.

No. 4. Reply to the Marquis of Aracaty, respecting the case of the Adams.

No. 5. Letter from the Marquis of Aracaty, to mention that an invoice which formed part of the Tell-tale's cargo, and which was not received before the cases were closed, has been adjusted, and made an additional article.

No. 6. Ratification of the awards for claims.

No. 7. Ratification of the agreement relative to exchange of dollars in the awards for claims.

No. 8. Letter to the Marquis of Aracaty, requesting the liberation of four American seamen.

No. 1.

Mr. Tudor to the Minister of Foreign Affairs.

Legation of the U. S. A.,
Rio de Janeiro, June 8, 1829.

The undersigned, chargé d'affaires of the United States of America, has the honor to address his excellency the Marquis of Aracaty, Councillor, Minister, and Secretary of State for Foreign Affairs, and to request his good offices in the case of three American seamen now in prison, arrested on the representation of the American consul.

The facts of this case are briefly as follows:

A dispute arose between the masters of two American vessels, which proceeded to blows; three sailors, who belonged to the vessel of one of them, who had the worst in the scuffle, at the suggestion of their captain, and misled by what they thought a principle of duty, assaulted and beat the other captain. This outrage was made known to the consul, and he procured their arrest. The master of the ship, with the consent of the consul, afterwards attempted to procure their liberation, and expended two hundred milreas fruitlessly in the effort. Both captains have since sailed, and the consul now wishes to procure the release of these seamen, and send them on board an American vessel; but their commitment is signed by a judge; the gaoler refuses to liberate them without his signature, though he had an order from the police for that purpose, and the judge declines giving his signature. These men have lost their wages and clothes, and have now been seventy days in prison, and there seems to be no hope of their liberation. As the whole business was between Americans, and no injury received by any subject of Brazil, and the consul reclaims the seamen, who have been severely punished for their fault, it is hoped that the humane feelings of your excellency will induce a recommendation to the judge that they should be given up to Mr. Wright. Perhaps the case may be brought under the 31st article of the treaty now happily subsisting, in principle, though not in words. The undersigned requests the kind consideration of your excellency in favor of these unfortunate individuals, whose release, otherwise, seems hopeless.

The undersigned wishes to inform your excellency that he has heard that the Boston corvette had left Buenos Ayres, and was at Montevideo the 20th ultimo, and her arrival here may be daily expected, and he therefore solicits that an early day may be named for signing the awards. The undersigned avails himself of this occasion to renew to his excellency the Marquis of Aracaty the assurances of his very high respect and consideration.

W. TUDOR.

No. 2.

The Minister of Foreign Affairs to Mr. Tudor.

Palacio do Rio de Janeiro,
em 20 *de Junho de* 1829.

Havendo o abaixo assignado, do conselho de sua Magestade o Imperador, Ministro e Secretario d'Estado dos Negocios Estrangeiros, exigido dos respectivos commissarios Brazileiros as razoens em que se fundarão para não comprehenderem no ajuste das ultimas reclamaçoens Americanas o caso do brigue Adams. Satisfizerão com o officio da copia inclusa; e tendo paresido ao Governo Imperial serem do maior, pezo as razoens nelle expostas, e havendo as por consequencia approvada, o abaixo assignado transmitte ao Sor. Guilhermo Tudor, encarregado de negocios dos Estados Unidos da America, a referida copia, para o seu devido conhecimento; esperando da boa fé de que o Sor. Tudor tem dado tantas provas, que reconhecerá naquellas razoens a mesma força de convicção que movea o Governo Imperial approva las.

O abaixo assignado renova por esta occasião ao Sor. Tudor os protestos do seu obsequio e estima.

MARQUEZ DO ARACATY.

No. 3.

[Statement enclosed in the preceding letter.]

Illmo. e Exmo. Sor: Determinando Va. Excia. em officio que tevemos a honra de receber com data de 29 do passado, que demos por escrito as nazões em que nos fundamos para não comprehender no ajuste das ultimas reclamações Americanas o caso do brigue Adams, vamos cumprir o preceito referindo as com a larguesa que se for mister para conhecimento do Governo, e que convem não menos justificar a nossa opinião em negocio de tamanha gravidade.

O brigue Adams sahio de Gloucester, em os Estados Unidos da America do Norte, em fim de Junho do anno derradero, com destino direito para Buenos Ayres, no que os seus despachos e as confissoes do mestre

se accordão perfeitamente. Entrando rio acima em demanda d'aquelle porto foi encontrado pela nossa escuadra, e sendo visitado pelo navio almirante, este o advertio da continuação e effectividade do bloqueio de todos os portos Argentinos dentro do Rio da Prata ou echon se a intimação no reverso, da carta de navegação, na forma do estilo, e o mestre havendo antes dado a sua palavra de honra prescrito que no processo se lé, de seguir em direitara para Montevideo, e de ahi descarregar foi reposto na plena liberdade do seu brigue. O que elle practicara em sua navegação depois de hum procedimento tão regular, e tão fianco da parte do almirante, não o sabemos vez; mais o que as provas dos autos nos disem hé que no da seguinte ao da intimação as balizas do bloquio ou os lemzadores de fora, o encontrarão e picarão na direcção de romper o linha da circumvolução; encontro o apresamento que tevé lugar depois dos devidos signaes do reconhecimento, do que o mestre não duvida e depois de ser preciso forçar o arreamento das vellas com tizos de bala pois que o mesmo mestre em ver, como lhe cumpria de obedecer aquelles signaes de advertencia, procurara a todos acerto iludil; os gunhando alguma situação em que as embarcações de guerra o não al cancassem pela poca profundio ade do canal. Aque tem V. Exa. a historia da viagem encontro apresamento do brigue Adams, colhida dos factos em controversos constantes dos autos hé diser d'aquelles em que se accordão apresados e apresadores e apresado dos em que elles se não concordão es em que para se poder descubrir a verdade de força hé recorrer aos indicios e as presumpções do interesse ou da paixão mas as que são pauladas pelas regras da rasão illuminada pelo facho da critica.

Ora se esta assentado por todos os Governos e publicistas, ainda os que mais propugnão pelo livre commercio dos neutros; se hoje constitue hum ponto das leis das nações, que a intimação no lugar do bloqueo sugeita a sorte de preza o navio que a despeito della prosegue no intento de entrão o porto bloqueado, não vemos nos como de algum modo se possa arguir de injusta a condemnação do brigue Adams. Não curemos de averiguar se huma viagem começada e executada para hum porto bloqueado de direito e de facto sim alternativa do destino pode ou não ser taixadar do illegal; es que çamos inteiramente a doutrina dos effeitos de hum bloqueo por notificação geral e es que camal a ja porqué parese que o Brazil a não que adoptar, embora as primeiras tribunaes do imperio tenhão decidido os casos occorrentes na ultima guerra com huma incerteza e variedade que não poucos damnos e queixas tem causado ja porque ainda dado que ella prevalecêsse fora mister notifical e a respeito daquelles poderes qual a dos Estados Unidos que a não admittem e que tem direito a exigir de nos a execução do principio salutar da bem enterodida reciprocidade averiguemos pois hum so ponto e seja esta se depois da formal intimação da actualidade do bloqueo houve delicto da parte do brigue, que o sugertasse a condemnação; houve o sem duvida e pouco releva diseo para o demonstrar a todas as luzes.

Primeiramente hé o facto que o brigue depois da intimação não derrotavá no rumo de Montevideo porque se derrotava não teira chegado a vista e ao reconhecimento das proprias balisas do bloquêo; se dois pontos estão em direcção contraria he evidente que a linha que se descreve para hir a hum não pode condusir a outro se o capricho das ventas força das correntes as onu-perigo dos baixios for necessario invertir o rumo para se hir demandar huma certa altura, ou a apparecendo em certa paragem pode facer suspeitão da sua verdadeira intenção, e da boa fé da sua viagem cumpre então nesse caso precaver se contra os effeitos da presumpção, testemunhando se necessidade de força maior por algum instrumento ou protesto debordo que pois a ser rectificado pelos successos concomitantes e posteriores. Mas o mestre do Adams, nada disso fez antes tudo o que practicon em seguimento argue a pertinacia de levar ao cabo o seu intento e o seu delicto, scilicet, entrar em Buenos Ayres a todo o custo.

Por quanto e em 2° lugar e outro sim facto que sendo advertido pelos navios da circumvallação do bloqueo para atravesar cujas signaes elle reconhecera accedendo hum luz não se o não fizera mas ao contrario ir, cara quanto podera com a anima a iste bordo pachando com toda a força desela procedimento este que provocara e determinara o navio imperial mais proximo a dispenar lhe algums tiros de bala a arijo estrago foi então e so então que elle atraveson e arreon o paño. Na evidencia de taes acontecimentos não pode recusar se a certeza moral de que o delicto radicado desde o instante em que, procedida a notificação do bloqueo o brigue segura na direcção de Buenos Ayres se consumara ne sentido legal com a pertinacia de entrar no porto defeso e a formal desobediencia do arrear as velas, quando para o fazer fora opportunamente advertido e intimado.

Não lembraremos a V. Excia. que dada a notificação bloqueo no proprio lugar delle, a menor suspeito ulterior de se querar violar se converte em presumção juridica da actualidade do intento e ferina incontestavelmente o dereito do belligerante, e que a para gem onde succede o encontro constitue o corpo de delicto para relevar cuja pena cumpre que se produsão argumentos e provas mui subejas e mui liquidas porque toda vez que huma presumpção establece hum direito, a prova em contrario deve ser mais clara que o leu meridiano. O mestre do Adams, no pouco que allegara em sua de feza na inferior instancia pois que na superior não seguio o processo e recorra a evasivas e a desculpastão freidos que ainda tidas por verdade quando elle não interrogatorios para a instalação do processo se contradiz e ballencia por maneira, que ora a firma que sahira dos Estados Unidos sem saber que habia bloqueo ora que vinha para Buenos Ayres porque a cola corisa a noticia de estar a parfeita e levantado o bloqueo ora que não sabia porque fora arrestado e trasido a Montevideo dando estas e quejandas respostas que assar indição vaielação de animo intento deliberado de esconder ou seguer sombrear a verdade e dolora ocultação do seu irime? Em materias de bloqueo permitta V. Excia. que apresentemos esta reflecção que e de hum dos publicistas de mais alto renome dos nessos tempos se admitter indiscriminamente a excepção de ignorancia e da necessidade por força maior o temor do perigo e outras de igual estofo hum bloqueo sera hum acto perfeitamente negatorio.

Tais são os motivos porque recusamos com o mais plena convicção de nossas consciencias e com o exaltado sentimento de imparcialidade que nos tem quando em todos estos negocios, de admittir a ajuste algum de indemnização o caso do brigue Adams, motivos que esperamos hajão de operar na discreta intelligencia do encarregado de negocios dos Estados Unidos nesta corte, para abrir mão de huma reclamação que a rectidão e sabedoria do seu Goberno, não pode sustentar sim desmentir d'aquelles principios de justiça, de moderação, e de acertada politica, que lhe tem grangeado o respeito e admiração dos outros Estados.

Deos guarda a V. Excia.—Rio de Janiero, 4 de Junho de 1829.

Illusmo. e Exmo. Sor. Marquez do Aracaty.

DIEGO SOARES DA SILVA DE BIVAR.
ANTONIO JOSE DA SILVA LOUVEIRO.

Esta conforme :
Bento da Silva Lisboa.

No. 4.

Mr. Tudor to the Marquis of Aracaty.

Legation of the United States of America,
Rio de Janeiro, June 22, 1829.

The undersigned, chargé d'affaires of the United States of America, has the honor to acknowledge the receipt of the note of the 20th instant, from his excellency the Marquis of Aracaty, Councillor, Minister, and Secretary of State for Foreign Affairs, enclosing a copy of the report of the commissioners, stating the reasons which made them decline adjusting the claim in the case of the schooner Adams. As the undersigned has, in previous letters, fully explained his conviction of the justice of that claim, he will not at present urge it further, but submit the document above mentioned to the consideration of his Government; and he is fully persuaded, if additional proofs and illustrations of the merits of that case should be hereafter presented, that the justice and magnanimity of the Government of Brazil will direct compensation to be made to the innocent and unfortunate owner.

The undersigned avails himself of this occasion to offer to his excellency the Marquis of Aracaty the assurances of his very high consideration and respect.

W. TUDOR.

No. 5.

The Marquis of Aracaty to Mr. Tudor.

O abaixo assignado, do conselho de sua Magestade o Imperador, Ministro e Secretario de Estado dos Negocios Estrangeiros, tem a satisfação de communicar ao Sor. Guilhermo Tudor, encarregado de negocios dos Estados Unidos d'America, que hontem lhe foi participado pelos respectivos commissarios Brasileiros que se attendera a factura que se não havia comprehendido na liquidação da presa Tell-tale, por se não achar aqui a tempo de se lhe assignar o competente documento; ficando ajustado a indemnisação da carga constante da mencionada factura em 400 pesos fortes, e capitulando se o ajuste em artigo addicional.

Satisfeita assim a reclamação que o Sor. Tudor dirigio aquelle respeito, resta ao abaixo assignado renovar ao Sor. Tudor os protestos da sua consideração e estima.

Palacio do Rio de Janeiro, em 23 de Junho de 1829.

MARQUEZ DO ARACATY.

No. 6.

Ratification of the awards for claims.

Nos, abaixo assignados, Guilhermo Tudor, encarregado de negocios dos Estados Unidos d'America junto de sua Magestade o Imperador de Brasil, e Marquez do Aracaty, do conselho de sua Magestade o Imperador, Ministro e Secretario d'Estado dos Negocios Estrangeiros, havendo examinado os trese convenios celebrados em differentes epocas entre os commissarios Americanos e Brasileiros, nomeados pelos seus respectivos Governos, e devidamente autorizados acerca das liquidações e ajustamentas das indemnisações de perdas, damnos, e perjuisas que soffrerão os donos e carregadones das embarcações Americanas, Sarah George, Rio, Ruth, Hero, Panther, Nile, Amity, Hussar, Pioneer, Spermo, Tell-tale, Hannah, e Budget, que forão apresadas e detidas pela escuadra e autoridades Brasileiras: Os approvamos e confirmamos, assim no geral como em cada hum delles em particular, e seus respectivos artigos e estipulações, e pela presente os dámos por firmos e valiosos. Em testemunho e firmesa do sobredito, fizemos esta por nos assignada e sellada com os sellos de nossas armas.

Secretaria d'Estado dos Negocios Estrangeiros, aos 15 de Junho de 1829.

WILLIAM TUDOR.
MARQUEZ DO ARACATY.

No. 7.

Ratification of the exchange for dollars.

Nos, abaixo assignados, Guilhermo Tudor, encarregado de negocios dos Estados Unidos de America, e Marquez do Aracaty, do conselho de sua Magestade o Imperador, Ministro e Secretario d'Estado dos Negocios Estrangeiros, havendo visto e examinado o convenio celebrado e assignado pelos commissarios Americanos e Brasileiros em 2 do corrente mes de Junho e anno, em que adjustarão e convierão o preço fixo, e determinado de mil e quinhentão reis por cada peso forte, para por elles liquidarem as quantias concedidas qualquer que seja a sorte do agio na epoca do pagamento, em consequencia dos convenios celebrados pelos mesmos relativamente as indemnisaçoens das embarcaçoens Sarah George, Rio, Ruth, Hero, Panther, Hussar, Amity, Nile, Pioneer, Spermo, Hannah, Budget, e Tell-tale; approvamos e confirmamos o dito convenio em to-

dos os seus artigos, e o damos por firme e valioso. Em testemunho e firmesa do sobredito, fizemos esta por nos assignada e sellada com os sellos de nossas armas.

Secretaria d'Estado dos Negocios Estrangeiros, aos 15 de Junho de 1829.

W. TUDOR,
MARQUEZ DO ARACATY.

No. 8.

Mr. Tudor to the Marquis of Aracaty.

Legation of the United States of America,
Rio de Janeiro, June 30, 1829.

The undersigned, chargé d'affaires of the United States of America, has the honor to address his excellency the Marquis of Aracaty, Councillor, Minister, and Secretary of State for Foreign Affairs, and to request his kind intervention in the case of the four Americans now in prison, whose names are *William Spinner*, *David Crowell*, *Joseph Gord n*, and *Francis Gaudy*. Having already, in previous letters and in conversation, stated the several facts in their cases, the undersigned will not now repeat those details, but merely remark, generally, that as these men have already been at least adequately punished by their long imprisonment for the faults they were accused of, as the transactions for which they were imprisoned occurred with aliens like themselves, and as they may yet continue to languish in prison for an indefinite period, the undersigned, on the eve of his departure, is induced to ask his excellency to mention the subject to his Imperial Majesty the Emperor, in the hope that he will deign, from motives of benevolence, to exercise his imperial prerogative to command the release of these unfortunate men; who, in such an event, may be delivered to the order of the consul, Mr. Wright, under the condition of being immediately embarked and carried from Brazil.

The undersigned avails himself of the occasion to renew to his excellency the Marquis of Aracaty the assurances of his very high respect and consideration.

W. TUDOR.

No. 132.

Mr. Tudor to Mr. Van Buren.

Legation of the United States of America,
Rio de Janeiro, July 4, 1829.

Sir: This is a day of public audience; and I have just returned from the palace, where I went to present Commodore Creighton; the French chargé d'affaires having also to present the new French admiral. According to date, I have precedence of the French chargé; and, before going in, a chamberlain informed me that the Emperor wished to speak with me in the first instance alone. He said some very courteous things to me on the score of my remaining; and then, unexpectedly, remarked that he had heard he had been represented in the United States as abhorring our institutions, as disliking my country, and being insincere in his professions; that all this was unfounded; that he had a high respect for the United States, and the most sincere desire to cultivate and forever maintain the most friendly relations with them; and that my Government might be assured that such were his real feelings, and such would be his conduct. Admitting a little margin for the excess of courtly phraseology, not merely his manner, but other circumstances, convince me that he is substantially sincere. It is quite probable that his feelings were not always the same; but this, I believe, is a true description of them now. I made a suitable reply, assuring him that my Government was fully persuaded of his friendly inclinations, and would always correspond to them with steady sincerity.

The Marquis of Aracaty requested to see me after the audience was over, and he told me that these expressions arose from Mr. Rebello's having written him that many efforts and misrepresentations had been made in American papers, to persuade the public that the Emperor felt an animosity against us, and that his monarchical prejudices would forever disincline him to a sincere and friendly conduct towards us; still, that the Government of the United States, judging from facts, relied upon the sincerity of his professions. Indeed, I hardly know what stronger evidence any Government could give, than the frank and ample manner in which they have joined in the whole extent of our liberal principles in the existing treaty, and which, it is obvious, will create dissatisfaction in some countries; and, perhaps, still more, their having adjusted our claims in the midst of their financial embarrassments, and agreed to pay principal and interest for all of them; which, through the extensive experience we unfortunately possess in the department of spoliations, has not yet, I believe, been done by any other nation, and is still obviously resisted by some who can talk with great contempt of the conduct and good faith of this Government.

I thought it a good occasion to touch lightly on the subject of your last letter. I asked the marquis if Mr. Rebello had given him any information respecting the chargé d'affaires of Don Miguel: he replied in the negative; though I think, as he was not prepared for the question, the answer was a diplomatic evasion, for Rebello is too active and intelligent not to have communicated the circumstance. I then, without any particular emphasis, mentioned that there was such an agent who had been soliciting to be recognised; that my Government had hitherto declined; and though there could be no doubt what would be their preference between the parties, that their principle respecting Governments *de facto* placed them in an embarrassing position; that Spain, who had a finger, if not a whole hand in the agitations of Portugal, would say, or might insinuate through others, You were at perfect peace with me, and yet you were the first to acknowledge my colonies that were in insurrection, even while we had considerable armies among them; and you alleged this principle *de facto*. Why should it not operate now? I did not think it expedient to proceed further, and touched on the point rather as a matter of accident or indifference.

I hope the first copies of my correspondence with this Government, forwarded from time to time, will have safely reached their destination. I had deferred completing the duplicate set for want of leisure, and meant it for an occupation on my passage; wishing that the series might be entire of one copy in the Department, and another, if requisite, might be given to my successor, to put him in possession of all the points of the negotiations, in case any of them should need a reference or a revision. I will proceed to complete and forward them as early as I can.

I must now ask your indulgence to excuse a few words respecting myself. In my letter No. 124, I explained the motives of my resignation, and I requested you to say to the President that he might command my future efforts in the diplomatic service. My health is very much improved; and as it is now the winter season, and the heat is moderate, I hope to escape a relapse, but I should not like to run the risk of a continued residence in a tropical climate. A visit to my own, and a few months' respiration in a bracing atmosphere, might invigorate me for a time. I hope that your future letters may allow of my leaving here by the 1st of October, if not sooner, which would enable me to reach our coast before winter. After having had the honor of paying my respects personally to the President and yourself, I should have no hesitation, if it be wished, to express my views on the subject of future employment with perfect frankness, fully aware that I have no other claims to it than those of public services, which, if these had been more important, I should calculate upon with entire confidence.

With my cordial felicitations on this anniversary, I tender the assurances of the high respect with which

I have the honor to be,
Your most obedient servant,
W. TUDOR.

Hon. Martin Van Buren,
Secretary of State.

P. S. The Hudson and Vandalia fired salutes, which were answered as usual by the French admirals. The English Admiral Baker did the same. This practice is constant with the former nation; but I believe is not usual (though obviously politic) with the latter.

No. 134.

Mr. Tudor to Mr. Van Buren.

Legation of the United States of America,
Rio de Janiero, July 14, 1829.

Sir: My last was merely a letter of advice to accompany a bill of exchange. I heard yesterday that my draft, dated September 10, 1828, for 600 dollars, in favor of Messrs. Edward McCall & Co. had miscarried. I hope it may not have fallen into improper hands, and wish, if presented, it may be stopped, unless it should be regularly endorsed by the above house, and offered by some responsible person, who will guarantee its having been properly obtained from the firm in whose favor it was drawn.

No political event of any importance has happened here since my letter of the 4th instant.

We are without any late dates from Buenos Ayres, and do not yet know whether the civil commotions have terminated. The French admiral, Baron Roussin, sailed for France, in the Duquesne 74, three days since; and a French corvette brig arrived yesterday from France, to join their squadron here. The Hudson and the Vandalia are both in the bay, and I believe will sail as soon as a court martial, now in session, is concluded.

I enclose a duplicate of No. 132, and have the honor to be,
With very high respect,
Your most obedient servant,
W. TUDOR.

To the honorable MARTIN VAN BUREN,
Secretary of State.

No. 135.

Mr. Tudor to Mr. Van Buren.

LEGATION OF THE UNITED STATES OF AMERICA.
Rio de Janeiro, August 1, 1829.

SIR: Since my last, of which a duplicate is enclosed, one of the principal occurrences here has been a discussion in the Chamber of Deputies on the subject of impeaching the Minister of War for a violation of the constitution, in creating a military commission with summary powers in Pernambuco, on occasion of the troubles in that province at the close of the last year. The measures taken at that time were extremely rash and ill-judged, but were probably meant to overawe the discontented everywhere, and probably were not intended to be carried into execution, as those foolish disturbances were known to have been only a foolish enterprise by a few insignificant individuals.

The consequences were very injurious abroad, as they created an apprehension that a serious revolt had taken place; and the funds of Brazil, in the foreign markets, were depressed by it. The debate lasted a week; was a very stormy one, and excited the public attention so strongly, that the Government took some military precautions in case of disturbance. The affair ended by refusing to sustain the accusation of the minister—39 to 32. In the Legislature already chosen to assemble next year, the party in opposition will be more numerous than at present; and the effect of this discussion will perhaps be useful in showing the ministry the necessity of avoiding arbitrary measures.

Another event of considerable local interest was the arrival of Mr. Joseph Bonifacio Andrade from France, where he has remained for a considerable period in exile. Mr. Andrade is the head of one of the most respectable families in St. Paul's, and is esteemed a man of excellent private character; one of his brothers, who returned last year, and is elected to the next Legislature, is commonly thought to be deficient in this latter respect, but to be a man of very considerable talents, particularly in the financial department, of which he was formerly minister. Joseph Bonifacio Andrade was the prime mover of the measure of making the Emperior assume that title; and he and his two brothers enjoyed for a time great power and influence. They afterwards fell into disgrace, by the intrigues of the Portuguese party, and were imprisoned and exiled. This gentleman had the misfortune to lose his wife, who died at sea a few days before his arrival; but the body was brought here, and the funeral solemnities were attended by the Court. The French admiral, who had known him formerly, sent immediately to offer him every attention; but he requested him to make no demonstration, as he was very uncertain how he might be received. However, as soon as the arrival of the ship was known, Mr. Calmon, the Minister of Finance, went immediately on board to offer his congratulations and every kind of civility. On his interview with the Emperor, it is said the latter proposed an embrace, and that all the past should be forgotten. Andrade replied, that the embrace he would give most cheerfully; but forgetting the past was impossible. The Emperor then proposed to him to enter into the ministry; but he declined, assuring his Majesty that he only returned to Brazil to live retired in his native province, and to present himself only once a year at Court, in October. (This is the anniversary of the empire.)

Another affair, which occupies the whole present attention of the Court, relates to the Marchioness of Santos. This personage was recalled a few months since, and for some time appeared to enjoy greater favor and influence than ever. But the contract for the Emperor's marriage with a princess of Bavaria, daughter of the Viceroy Eugene Beauharnois, has disturbed all her prospects, which some thought were very lofty. One condition of the contract is, that the Marchioness shall leave the country. The Emperor is extremely desirous of this marriage. He has made every offer to his former favorite, proposing to purchase all her property in Rio de Janeiro, and pay her 300,000 milreas for it in cash, in Europe, &c.; she refuses; all the Court have forsaken her, but she continues obstinate and insulated. It is said that, if she cannot be made to relent, a secret session of the Legislature will be held, in order to obtain an act for her banishment; and as the marriage of the Emperor is really important to the tranquillity and welfare of the empire, such a measure would probably be carried.

The bonds for the payment of our claims and those of the French are not yet issued. The Minister of Foreign Affairs told me that the illness of the Minister of Finance, and, subsequently, the long, angry discussion, respecting the Minister of War, had prevented the subject being brought before the Chamber. The general budget is now under consideration, and the appropriation for this purpose will form a part of it. The Legislature rises the first of next month. I confess I feel some anxiety to have this matter completed, though the minister assured me there could be no doubt of the result; but it is the nature of every negotiation here, that doubt and anxiety should accompany every stage of it.

Our dates from Buenos Ayres are much in arrears; but the last reports are, that peace had been actually made between Lavalle and Rosas, and that the former had retired to Montevideo. We are expecting every day some authentic account of these transactions.

The news from Peru is of the most disastrous description, as relates to the independence of that country; and the success of the usurper appears certain. A rumor is in circulation that a revolution had occurred at Lima, a massacre had taken place, &c. I have nothing later that is authentic than the official documents of the engagement, which resulted in the defeat of the vanguard of the Peruvian army at the Portete de Torqui. Gamarra, the second in command, appears to have caused the defeat by his cowardice, and afterwards to have sealed the disgrace of his country by his treachery; which conduct is perfectly harmonious with his whole career. Lamar seems to have escaped unhurt, after exposing himself to the hottest of the fight, and, I have no doubt, from the character and opinions of the man, in the hope of getting killed. He is one of the bravest and purest I ever knew; but, acting with reluctance in a political situation, extenuated by ill health, and surrounded by many in whom he has no confidence. His letter to Sucre after the action, is a remarkable document, which probably will have been published in the United States. He never would have made those charges of assassination, if he had not known them to be well founded; and the individuals mentioned as committing them had already established their reputation in Lima by former acts in that way.

An opinion may be formed from these events of what Peru will have to suffer from this new and vindictive invasion. Bolivar appears to have selected appropriate agents to penetrate in the vanguard; and many of the individuals in it have already made themselves notorious by the most remorseless plunder and assassinations.

In the capitulation Sucre professes that they do not wish "a single grain of the sands of Peru:"—his favorite established expression. At the same time, the whole resources of both Perus [were seized,] without any account rendered by himself and Bolivar, so long as they held possession. It is meant also that it should be inferred they have no plans against Peru, but will make peace under the mediation of the United States, or some other Power; while, at the same time, they have been incessantly striving, by every species of intrigue and corruption, to re-establish themselves in that country. Independently of its being the centre of the contemplated empire, the mines of that country still contain great riches, and Colombia is reduced to the last stage of poverty and exhaustion.

The interest I was obliged to take during my residence in that country, in their affairs, which were so deeply involved in the extensive and sinister designs of Bolivar, still makes me regard them with a solicitude, which a thorough acquaintance with the character and principles of some of the principal actors only tends to aggravate. But it is not my intention to dwell on events of whose occurrence my information is too tardy to be of any use in conveying them to you; I only purposed to offer a few remarks on the subject of our mediation, mentioned in the capitulation.

After General Lamar had been most reluctantly established in the Presidency of Peru, he saw himself immediately threatened with the hostility of Bolivar, whose agents were busy in following his simple and efficacious prescription, "to anarchise the country;" and in this they were so successful, that the Constitutional Congress, which began under good auspices, and contained among its members some of the most enlightened and excellent men in South America, soon presented nothing but scenes of intrigue, faction, folly, and mischief, against which all the efforts of the patriotic portion were wholly unavailing. I felt, as every one else did, the danger of the struggle that was to ensue with Bolivar. Lamar honored me with his most intimate confidence. I urged him to made an appeal to some foreign State, to mediate and prevent the ravages of civil war between countries already impoverished and exhausted by their revolutionary struggles. His views were honest, disinterested, and pacific, (too much so, if the expression be not absurd, for the prosperity of the cause he had to maintain,) and he was enthusiastically republican in his principles. He objected to making such a proposal on the ground that Peru had fallen so low, had been the victim of such strange disasters, that, until a constitution was organized, and their finances in a state to meet their engagements, any overture on his part would be slighted; and that he did not wish to send an agent abroad till their reputation was better established at home. I persisted, however, in the advice. and that, while he was putting his shoulders to the wheel, and making every effort to maintain their independence, he should submit the dispute to the arbitration of foreign Powers, in a manner that, without immediately asking their interference, would justify them in offering it, if they thought it expedient. To prevent all suspicion of selfish views on my part, I proposed that a similar application should be made to the United States, to England, and to Mexico. At length this was consented to, and a memorial was drawn up, not by the person I had suggested, but by an inferior hand, though the regular organ for the purpose. It was shown to me, and I thought it not worth while, though not so able a paper as I could have wished, to object to inferior details; but it was made out and delivered to me, and I forwarded the three packets to England, Mexico, and the United States. I have never heard whether either of these despatches reached its destination. This I presume to be the origin of the mediation before referred to.

Any mediation, and, of all others, that of the United States, Bolivar would carefully avoid, with the usual solemn hypocrisy of pretending to seek it. Should, however, our mediation by any accident be called for, it will only be to sport with our credulity, unless the most ample precaution is taken, as he did with that of several nations in the farce of Panama; and it will require great penetration and firmness in the mediator not to be the dupe of his designs. There is little doubt that the subject will be entirely obviated by his again obtaining absolute control of the two Perus; and, once established in Lima, with Sucre at his old out-post, (though, perhaps, the latter may be fixed for a time in Lima, till Colombia is finally organized,) the former intrigues will be resumed against Chili and Buenos Ayres, and probably with success; while the same efforts will be carried on in Central America, amidst the distractions which he has assiduously fomented in that country.

The ambition of Bolivar is extravagant, unprincipled, and reckless. He unites, in a singular degree of perfection, two qualities that are not often allied in the same individual—duplicity and vehemence. His plan of forming Spanish South America (to say nothing of some change of boundaries with Brazil) into one empire, will be pursued implacably to the last moment of his life. His schemes are ill-digested, impracticable, offering no guaranty, no hope of stability; yet they succeed to a considerable extent, and, during his life, all the resources of those countries will be wasted in the attempt to form an empire, that, even should it be realized to the utmost of his wishes, will only entail a long course of intestine commotions, and, at his death, leave the palpitating fragments to the endless rivalry and contention of his lieutenants. His arrogance is unbounded, and his ardor indefatigable. Obstacles and opposition excite vengeance, but not reflection. The heroic constancy of his early efforts for the independence of his country would have covered his name with laurels; but the same quality directed against the liberty of his own and other countries, will hereafter blend it with execrations.

I ask pardon for wandering so far from my immediate post; but the truth is, the ambition here denounced bears upon the concerns of the whole southern part of our continent.

The foreign naval force in the bay is the same as at my last date. The Vandalia sailed for Montevideo, and the Hudson goes soon to Bahia. I was the other day on board to meet the Ministers of Foreign Affairs and of the Marine. They were extremely struck with the beauty of the ship and her comparative superiority to the English and French flag-ships, which they had just visited. She is, indeed, in the highest order.

I have the honor to be,
With high respect,
Your most obedient servant,
W. TUDOR.

To the Hon. MARTIN VAN BUREN,
Secretary of State.

No. 137.

Mr. Tudor to Mr. Van Buren.

LEGATION OF THE U. S. A.,
Rio de Janeiro, August 24, 1829.

SIR: I have already had the honor to address you by this occasion, and now enclose a duplicate of a previous letter.

I regret that I am not able to inform you that the bonds for the amount of claims have been issued. It is time, indeed; the dates being settled, the time of credit is elapsing the same as if they were. But the subject of the budget is still in discussion before the Chamber, and this forms one of the items. The session has been partly secret, and I cannot ascertain fully what has been done. I have heard, however, that an appropriation to cover the amount of ours and the French claims had been agreed to. The session expires in due course on the 4th of next month. The ministry are embarrassed by the opposition they meet with in every branch of the budget. The Chamber wishes to continue the session for a month longer, and the ministry are in doubt whether to agree to this measure, fearing they may rise without voting the appropriations required. This is a kind of trial of strength, and it is by no means improbable that it may be the means of producing some changes in the ministry.

The second payment for the brig Spark became due a few days since, and was met punctually.

Since my last, the Minister of War has resigned, and his place has not yet been permanently filled. Mr. Gomez, recently consul general from Colombia in the United States, has arrived here, with the appointment of chargé d'affaires.

Our latest news from Buenos Ayres left the affairs of that unfortunate city in the most critical situation. Hostilities were on the point of being resumed between Lavalle and Rosas, when some of the principal citizens came forward, not on political grounds, but simply those of humanity, to make one more effort to bring about a peace; and a depatation had gone to Rosas in consequence. The result was not known on the 2d instant.

I have received to-day a letter from Mr. Hogan, dated at Valparaiso, the 24th of June, in which he says that General Pinto had been elected President, under the fear of bayonets, and against the opinion of a majority of the country, and it was thought the result would not be long submitted to. Chili, which has been for some time in a more fortunate situation than the adjoining States, seems, therefore, to be menaced with the same evils that are desolating all the new republics.

I send a copy of the exposition of the finances of this empire, presented during the present session; as it contains the most ample details that have yet been published of their revenue and expenses, I thought it might be a valuable addition to the collection of books belonging to the Department.

I have the honor to be,
With great respect,
Your most obedient servant,
W. TUDOR.

To the Hon. **Martin Van Buren**,
Secretary of State.

No. 140.

Mr. Tudor to Mr. Van Buren.

Legation of the U. S. A.,
Rio de Janeiro, September 5, 1829.

Sir: I have the honor to enclose a duplicate of my No. 137, the original of which was sent by the Brandywine; Nos. 138 and 139 being merely letters of advice to accompany two drafts for $200 and $800 respectively.

The session of the Legislature terminated on the 3d instant, in regular course. The opening and closing of the sessions are attended with a good deal of ceremony. On the 2d instant a delegation of the Chamber waited upon the Emperor, (the Archbishop of Bahia, the President, acting as their orator on the occasion,) and delivered an address announcing the conclusion of their labors; the answer was, "Thursday at noon, in the Chamber of Deputies." I attended, by invitation, as well as the whole diplomatic corps. The Emperor entered the hall, preceded by the Senate, and accompanied by his ministers, &c.; the whole in full costume. After being seated on the throne, the portfolio, containing his speech, was handed to him, which he took, and then spoke as follows: "August and most worthy gentlemen, representatives of the Brazilian nation, the session is closed;" and then left the hall in the same style. This laconic, contemptuous speech is not calculated to allay the bad humor that exists. The Chamber, in fact, has done nothing during its session of four months. The Emperor's recommendation of reforming the judiciary has not been acted upon, and the budget was not passed. The new Legislature, which assembles next year, is known to possess a stronger opposition than the present, and it is to be presumed that the struggle between the Portuguese and Brazilian parties must then come to a decision.

The Minister of Foreign Affairs, being unwell, was not present at the ceremony above mentioned, which prevented my speaking to him on the subject of the bonds, as the Chamber has separated without making any provision on the subject. This, however, he always told me would make no difference to us, as the negotiation was one which his Government was bound to fulfil. I saw the Chevalier de Lisboa yesterday, the chief clerk in the Foreign Department, and pressed him on the subject of issuing the bonds, which it would be a great convenience to the individual parties to have effected. He told me that the Government thought of not issuing bonds, but of making the payments as they became due without them. I replied that the form might not be essential, provided the payment was secured, but the issuing of bonds seemed to be the most simple and convenient process. I shall not delay the attempt to have this matter arranged.

The naval force in the bay remains as at my last, except the arrival of the English frigate Pallas last evening, from England. It is said that accounts have come that the Brazilian frigates had been ordered to Portsmouth, to be in readiness to take on board the future Empress and the young Queen of Portugal.

I have the honor to be,
With high respect,
Your most obedient servant,
W. TUDOR.

To the Hon. MARTIN VAN BUREN,
Secretary of State.

No. 141.

Mr. Tudor to Mr. Van Buren.

LEGATION OF THE U. S. A.,
Rio de Janeiro, September 17, 1829.

SIR: I have the honor to enclose a duplicate of my last despatch. I mentioned in it that the Legislature had separated without passing the budget, one article of which was an appropriation to pay the foreign claims. I have now, however, the satisfaction to say that the Emperor has signed a decree in council, ordering bonds to be issued by the Minister of the Treasury for our claims, amounting to 327 *contos;* and, also, for the French claims, amounting to 160 *contos.* The principles for paying the English claims are agreed upon, but I think a long period will elapse before that business is settled. I am assured these bonds will be issued without delay, and this long negotiation will thus be concluded.

Admiral Pinto Guedes has printed and circulated a pamphlet in defence of his conduct while commanding the blockading squadron in the Plate. He does not appear pleased with the conduct either of my predecessor or myself, or that of the English minister, Mr. Gordon. But towards his own Government, the publication is, in the highest degree, indecorous and offensive. He has published confidential letters from the Minister of Marine, that are very humiliating. He grossly insults some of the ministers, and especially the Marquis of Queluz, formerly Minister of Foreign Affairs, who is preparing an answer, in which he promises to finish the admiral, and, as he possesses both wit and talent, will doubtless succeed. This officer, after causing immense embarrassment and loss to his Government by his measures, in the course of which he is accused of making illicitly a large fortune for himself, has here insulted his Government in a manner that would be visited by merited retribution in any other, but he will probably escape unpunished.

Since my last, the news of the Emperor's marriage with a Princess of Bavaria has been officially received, and we have already had three days' rejoicing in consequence. The new Empress is expected here next month; she is too young to have much influence at present, but, though she will have a difficult part to fill, she may hereafter be an important acquisition to this empire.

The Pallas frigate, mentioned in my last, has on board the Earl of Dalhousie, going to India as military commander-in-chief, and the new Bishop of Calcutta, with their respective suites. These were all presented at Court, and, among them, Captain Fitz Clarence, commanding the Pallas—the same officer who fired on the Portuguese emigrants at Terceira. This officer was only obeying orders, and afterwards did every thing, personally, to soften the harsh course he was obliged to follow. I understand the Emperor only marked his dissatisfaction by not looking at him; but it shows either a want of consideration, or an intentional offence on the part of his Government, in sending an officer to make his appearance here, whose presence must have recalled a transaction so peculiarly offensive. The Pallas sailed yesterday. On the same day a Dutch frigate arrived, having on board a governor general for Java. The other foreign force remains as at my last. The Hudson is here; the Vandalia at Buenos Ayres.

We have had no news from Buenos Ayres since my last. It is reported that Dr. Francia, the autocrat of Paraguay, is dead, which will probably be a new cause for military movements in the adjoining States. There were lately some disturbances among the troops at Rio Grande, owing to want of pay; but it has been said that order has been restored.

I have the honor to be, with high respect,

Your most obedient servant,

W. TUDOR.

To the Hon. Martin Van Buren,
Secretary of State.

No. 143.

Mr. Tudor to Mr. Van Buren.

LEGATION OF THE UNITED STATES OF AMERICA,
Rio Janeiro, September 25, 1829.

SIR: I have the honor to enclose a duplicate of my letter No. 141; No. 142, of this same date, is only to accompany a bill of exchange.

No occurrence of moment has happened here since the date of the enclosed. Advices have been received by a French brig of war from Buenos Ayres, that the change previously mentioned as being in agitation had been effected. General Viamont had been made governor, Guido, Garcia, and Rodrigues ministers, and Lavalle had retired to Mendoza, where the family of his wife reside, and from whence he will undoubtedly continue his journey to Chili without much delay. This change, as it will tend to produce harmony with the provinces, may be followed by tranquillity, at least for a period.

A change is reported to have taken place at Montevideo, by which Fruitos Riveira has made himself sole chief, uniting in his own person the Presidency and the three departments of the Government, and leaving Lavalleja only the command of the army. Fruitos Riveira is, I believe, chiefly known as a partisan during the late war between Brazil and Buenos Ayres, and it was doubtful which side he would join; but after taking a frontier district called Las Misiones from Brazil, he declared in favor of the republic. He is said to be wholly uneducated, and that he cannot even write; but is daring, active, and rapacious, and will hold his post for a time, till he is sufficiently enriched, and the public sufficiently exasperated to rise and drive him from it. Such is a brief sketch of a character that has been frequently exhibited in the new republics, trampling under foot every right, until a new insurrection removes the usurpation; and unfortunately it is difficult to say how or when they are to be exempted from the recurrence of similar outrages. There is no further intelligence respecting the death of the Dictator of Paraguay, mentioned in my last as a current report.

There has been no change in the foreign force in the bay, except the arrival of a French corvette from Brest, and a corvette and brig belonging to the same squadron, from Montevideo; and also the Seringapatam frigate, which brought out an English consul general. In this same frigate General Miller, of the Peruvian army, also came passenger. He is going to Peru; had he arrived there, from his well-known bravery and honorable character, he would have been a great acquisition to the Peruvian army.

The Hudson sailed on the 22d instant. Mr. Wright tells me that Commodore Creighton informed him he was going to Bahia.

I have the honor to be, with high respect,
Your most obedient servant,
W. TUDOR.

To the Hon. MARTIN VAN BUREN,
Secretary of State.

No. 144.

Mr. Tudor to Mr. Van Buren.

LEGATION OF THE U. S. A.,
Rio Janeiro, October 16, 1829.

SIR: No occurrence of any political moment has happened since my last, of which a duplicate is enclosed. The 12th was the anniversary of the Emperor's birthday, which is always one of the principal *galas* of the year. The attendance at the levee was very numerous, and I presented some of our officers recently arrived. The attention of the Court is now taken up in making preparations to receive the new Empress, almost daily expected. It seems to be uncertain whether the young Queen of Portugal is to come also; her stay in Europe would be advantageous in respect to her education, but the abuses that are practised with regard to the expenses are excessively injurious to the finances of this country, struggling against a depreciation. It is said that her visit has already cost £750,000 sterling.

After much opposition and some delay, the Emperor signed the decree, proposed by the Minister of Finance, for abolishing the present bank, which has in circulation about 22,000,000 reas. An issue of exchequer bills is said to be intended as a temporary substitute. The bank bills and copper, at a fictitious value, form the whole circulation of Rio Janeiro and the adjoining districts. In the southern and northern provinces, specie is the only medium.

A decree has appeared prohibiting the clearance of any vessel for the slave trade after the present month. A decree also was lately issued, granting the uninhabited islands of the Abrolhos, a very dangerous shoal off the coast of Bahia, to certain persons in that place, for the purpose of establishing a fishery, with exemption from taxes, &c., for twenty-five years. Some persons suspect that the object is to furnish a station for smuggling slaves after the traffic is prohibited.

The French chargé d'affaires has been for some time engaged in forming a convention for the establishment of a line of packets between this place and some port in France. They are to be merchant vessels, carrying a cargo, but to take a regular mail, passengers, &c. The affair proceeds rather slowly, owing, as I understand, to the difficulty of proportioning the share of postage between the parties. This subject will serve to introduce the suggestion that a similar plan should be adopted between one of our ports and Rio Janiero; an undertaking which will be extremely useful to our commerce with this coast, and a direct convenience to the Government itself.

The English, fully aware of the expediency of facilitating the correspondence of their merchants, and the expediency of assuring the frequency and regularity of their official communications, have long maintained an extensive establishment of packets, at very considerable expense.

The foreign department of their post office is conducted with the same exactness as all parts of that very perfect system; and both their political and mercantile interests possess, in consequence, superior advantages over those of every other nation. They have two monthly packets to this place: one of them touches at Madeira, Pernambuco, and Bahia, going and returning; and the other calls here on the way to Buenos Ayres.

Nearly all the public correspondence of different Governments between

Europe and this country is carried by these packets; and when some of the Governments on that continent have occasionally sent their despatches to their agents here by merchant vessels, they generally meet with great delay.

The Post Office Department of the United States, which has made such great and admirable progress in its domestic sphere, has never embraced the direction of any maritime mails to foreign countries. In most cases this negative course is rendered expedient, either by the restricted correspondence that would be benefited, or by the number and excellence of our merchant packets, regularly established between some of our ports and those of France and England. But South America may be considered as forming an exception, where the agency of the post office might be introduced most usefully, both for the interests of our merchants, and still more for the convenience of the Government, in communicating with its officers in almost every part of South America.

I am convinced that there is no individual who has been either in the diplomatic or naval service, in this quarter, who will not bear witness to the great anxiety and inconvenience they have experienced from delay in receiving official correspondence. While in Peru, I never received a despatch from the Department that was not more than five months on the way; and, in some instances, they were upwards of a year. I have been more fortunate here: in the last despatch, No. 14, the original reached me in about seventy days; the triplicate I got this week, upwards of five months after date; and the duplicate has never come to hand.

It has been the practice to forward the public despatches for these countries to one of the custom-houses, where they sometimes remain a long time waiting for an opportunity. It perhaps might be better to send them to the different postmasters. But great irregularity and uncertainty will always prevail, as long as they depend on casual conveyances. Many vessels conceal their destination; others, for the same purpose, clear out "for South America;" some refuse to take letters at all, and others destroy them after being put on board. Both these latter cases have happened to me. I lately received some official papers relative to claims, which had been six months on the way. Commercial letters are of course more obnoxious to that jealousy of trade which either refuses or suppresses them, than public despatches.

Our commercial intercourse with this port is very considerable, and I believe a little effort on the part of the Government would immediately produce the establishment of a regular monthly packet. For this purpose, I would suggest that the Postmaster General should advertise for proposals to carry a mail every month from one of our ports to Rio Janeiro. The probability is, that they would be offered on very reasonable terms, and that the postage would cover the principal part of the expense, even in the outset; as such a vessel from her superior class would have the preference of passengers, and the state of our commerce here would perhaps make the experiment satisfactory on commercial grounds only; so that any disbursement on the part of the post office would neither be considerable nor durable. Such an establishment would be very advantageous to most of our merchants interested in the trade of Brazil and Buenos Ayres, and even that of Chili and Peru. The Government would have the convenience of a prompt and regular communication with its diplomatic agents in this country and Buenos Ayres, with its squadron on this coast, and by the post from

Buenos Ayres to Chili, with its agents and squadron on the western side of the continent.

I am not certain that it would be necessary to make any convention with this Government on the subject; but should it be found expedient, the arrangement made with the French and the English would serve as a guide.

While on this topic, I hope you will excuse my alluding to a very important branch of it—that of establishing a direct intercourse between some of our ports and those of the western coast. After much reflection and occasional mention of it, I wrote rather more at large to the State and Navy Departments, from Lima, in April, 1826. If you will open the map, you will perceive that Lima is not more than thirty days' distance from New York: as far as my experience goes, five months is a low average for the present rate of communication. By establishing a line of common packets to Chagres or Porto Bello, and continuing it from Panama to Lima and Valparaiso by steam vessels, the time now required for the transmission of letters or merchandise between our ports and those of the southwestern coast of the continent would be reduced two-thirds. The priority of information thus secured, and the greater promptitude of forwarding goods and receiving remittances, would, in a short period, give a decided preponderance in all that trade to the merchants of the United States. When this first branch should be established by means of steamboats on the Pacific to the ports of the southwestern coast, another would naturally follow on the northwestern coast, along Guatemala and Mexico to St. Blas, and perhaps Mazatlan; and the saving of time to our trade with this branch would be even greater in proportion than with the other.

The result would be, in a short period, that the correspondence, passengers, more valuable kinds of merchandise, and the returns in bullion and specie, would all be carried back to Panama: one of the important consequences that is yet to follow from the introduction of steam navigation.

Whenever this operation is effected, the greater part of even the European communication with the Pacific ports of this continent will pass through the United States.

For the full execution of this plan, it is requisite that the packets should be impelled by steam on the Pacific; this would involve considerable expense and risk in the outset, but I have no doubt both would be overcome by the results. It would, however, be necessary that the Government should offer encouragement to stimulate individual enterprise.

This might be done most easily, perhaps, by an offer from the Post Office Department to receive proposals for carrying a monthly mail, by way of the isthmus, to be transported on the Pacific, to Guayaquil, Lima, Valparaiso, and intermediate ports, by steam. Twelve or fifteen thousand dollars a year for five years would probably be a satisfactory inducement to the formation of a company for this purpose. The postage received would lessen a part of this disbursement; and, once fully established, it would take care of itself.

A long memoir would be produced in developing the whole of this subject, which I only touch upon incidentally: its importance to the countries above mentioned is almost incalculable, and ought to assure their co-operation. To the United States I believe it would be the greatest increase of advantage that can now be looked to in the whole extent of our foreign commerce.

Commodore Stewart is one of the persons, who has been in the Pacific, who is most able to give information on the subject. Should the President, with the map before him, after considering this matter in all its bearings, recommend some measures to be adopted respecting it, I am convinced he would originate an improvement in foreign commerce that would long be remembered.

The bonds for the claims are not yet issued, though the Minister of Finance promised me, personally, that they should have been a fortnight since. I understand that a slight error discovered in one of the calculations, which required their being passed back to the Foreign Department, has occasioned the delay.

The foreign force in the bay remains as at my last. This Government has fitted out temporarily every one of its vessels of war, to make a display on the arrival of the Empress.

The Natchez arrived on the 10th, and the Vandalia is also here, but I believe sails soon to look for the Hudson.

I have the honor to be,
With high respect,
Your most obedient servant,
W. TUDOR.

Hon. Martin Van Buren,
Secretary of State,

P. S. 16th. To-day the Empress and the young Queen of Portugal arrived in two Brazilian frigates. There will be no other business but festivities for some days to come.

No. 145.

Mr. Tudor to Mr. Van Buren.

Legation of the U. S. A.,
Rio Janeiro, October 26, 1829.

Sir: The imperial nuptials took place with ample ceremonies and splendor on the 17th instant, and the event, with its attendant festivities, occupies the whole attention of this Court and city. The new Empress has a fine person and an expression of amiableness and benignity, that, joined to youth and rank, enchant her new subjects and prepossess every one in her favor.

She is said to have received an excellent education, and every circumstance seems to authorize the hope that the marriage will not only contribute to the happiness of the Emperor and his children, but that her influence may be useful in the public affairs of the empire. She is accompanied by her brother, the Prince of Leuchtenberg, and a numerous suite, and, among others, by Count Mejian, an old French general, who was always attached to her father, and now continues as counsellor to his children. When the marriage was first made known as having been negotiated, the newspapers were filled with exquisite genealogical pedantry respecting the origin of her maternal ancestors of the house of Bavaria.

But latterly her father's qualities and actions have been almost exclusively dwelt upon. A pamphlet containing the life of the "Viceroy" Eugene and his portrait has had two editions, subscribed for by all the couriers, and evidently patronized by the Emperor. This, of course, leads to ssociations with the history of Napoleon, and has excited some little dissatisfaction in the feelings of some of the diplomatic corps, which, no doubt, would be participated by their Governments if this course be continued.

It appears by our latest accounts from Europe that some decided effort was about being made to put an end to the disastrous situation of Portuguese affairs. This, I am told, was immediately owing to the decided ntervention of Prussia; where the minister of Don Miguel had sufficient nfluence with Count Bernstoff to induce that minister to declare to the Courts of Paris and London that his sovereign would not much longer defer recognising the reigning prince. But all these facts you will learn from more direct and authentic sources.

It is said that Don Miguel is now very solicitous to complete the marriage with his niece, and thus restore harmony with his brother.

If the influence of the rancorous Queen-dowager could be set aside, amnesty and reparation secured to the unfortunate Portuguese patriots, and he throne be divided with the young Queen, it seems all that can be hoped for; and the constitution, like other precious things, must be deferred "to a more convenient season." Princesses are married not for happiness, but for power; and the Emperor must compound with having he latter secured for his daughter. Since her arrival here, she has been tudiously treated as a foreign sovereign, and on the late court days we were presented to her in that capacity, and in separate apartments with he Emperor and Empress.

The termination of this embroiled business will be useful to Brazil, in restoring the Portuguese exiles to their country, but who are now compelled to be actively intriguing here for places and support, which keeps up a constant struggle and irritation with the Brazilians.

A great many promotions and decorations have been given on the occasion of this marriage; and the Emperor has gallantly instituted a new order "of the Rose," his bride being partial to that color. Some changes in he ministry are talked of; a struggle involving their continuance in office exists between Pereira, Minister of the Interior, and Calmon, Minister of Finance, (the former Portuguese, the latter Brazilian by birth,) and the result may affect the fortunes of the two parties.

Both are useful in their places, and particularly so in the Chamber of Deputies, to meet the discussion, as they are the only ministers who make any figure in debate. This political anxiety, and the incessant *fêtes* of he Court at this period, I suppose, by engrossing all Mr. Calmon's attention, delay the issue of the bonds for the claims, which are not yet delivered to the French or ourselves.

The foreign force in the bay remains without any material change. The Vandalia has gone to look for the Hudson; the Natchez is here.

I have the honor to be, with great respect,
Your most obedient servant,
W. TUDOR.

To the Hon. Martin Van Buren,
Secretary of State.

No. 146.

Mr. Tudor to Mr. Van Buren.

LEGATION OF THE U. S. A.,
Rio de Janeiro, November 3, 1829.

SIR: Nothing of importance has occurred here since my last letter except the report of some revolutionary movements in the province of Ceara. The facts have not been published, and we have only the rumor that some officers there had proclaimed the Emperor absolute; and some persons believe that similar accounts will be received from other quarters. It is said that some of the Portuguese party in the Court, fearing the influence of national prejudice in the Chambers against their being employed, and that their only chance of support is in making the Emperor absolute and putting down the constitution, which would strengthen their mutual dependance, are at the bottom of these desperate attempts; calculating that they will give secret pleasure in the highest quarter, and at last be openly supported, and, at the worst, run no risk of being punished.

It will have an unfortunate tendency, if those who oppose the constitution in favor of absolute power do not meet the same chastisement as those who would subvert it in favor of republicanism. There is little doubt that a majority of the Brazilians prefer a constitutional monarchy to any other form of government; but if a struggle be allowed to take place, by tolerating the rash attempts of the absolute party, who are chiefly Portuguese, a convulsion of the empire would be almost inevitable; and, between the alternatives of despotism and republicanism, the triumph of the popular party would be almost certain. At the same time, the population of this country is not of a character suited to a republican government, and the overthrow of the present constitutional forms would lead to great calamities.

Changes are still contemplated in the ministry, but I am unable to form any opinion of the result. We have no dates from home later than the 20th of August. The foreign force in the bay remains the same. The Natchez is waiting for the return of the Hudson.

I have the honor to be, with high respect,
Your most obedient servant,
W. TUDOR.

To the Hon. MARTIN VAN BUREN,
Secretary of State.

No. 147.

Mr. Tudor to Mr. Van Buren.

LEGATION OF THE U. S. A.,
Rio de Janeiro, November 21, 1829.

SIR: I have the honor to enclose copies of the correspondence I have held with the Brazilian Government since August last. I beg to draw your attention to some parts of it. No. 7 is a note from the

Minister of Foreign Affairs, to say that the functions of the vice consul at Para had been suspended, owing to the informality of his commission; in what respect, I have not been able to ascertain : but probably for the reasons that were stated on a former occasion. No. 8 is a communication from the same minister, to say that, after the first of July next, no vessel would be admitted into the ports of Brazil, if her clearance, manifest, and bill of health were not certified by the Brazilian consuls ; and that they were directed not to place their certificates on each separate invoice, (as has been the practice, to increase fees,) but to confine themselves to the three papers mentioned. No. 12 is a copy of one of the bonds for the claims liquidated ; and No. 13 contains a statement of the totals awarded n each case.

I wish here to make one or two observations on the subject of correspondence generally. Our instructions do not particularize the extent to which t is expected the transmission of documents for the Department is to be arried. I have made it a general rule to send duplicate copies of every etter I have written to or received from this Government, with the exception of mere notes of etiquette, such as invitations to the levees, Court nournings, &c. and those I have received I have sent without translation. Iaving no secretary, I have been obliged to do all the writing of this legation myself; and during part of the time, every moment that could be spared rom the transaction of other business, has been given to the labor of copying ; a task in itself not particularly oppressive, but which is singularly astidious, disheartening, and, I may add, incompatible for him who produces the original.

The European legations are directed to transmit a more ample portion f documents, and they (the English at least) are ordered to translate all ocuments that are in a foreign language. I may mention as an instance f their practice in this respect, two pamphlets which have been published ere—one by Admiral Pinto Guedes, attempting to defend his conduct while ommanding the Brazilian blockading force in the Plate, and the answer › it by the Marquis of Queluz, (formerly Minister of Foreign Affairs,) riminating, and indeed effectually destroying, the reputation of the admiral. These pamphlets, of course, are occupied with a subject that has been › seriously discussed by other nations. Both these pamphlets (and together they would make 5 or 600 pages of manuscript) were translated nd sent home to the Foreign Office. Each of these legations has, however, a secretary and an attaché at least. It would have been physically npossible for me to have forwarded a similar mass of documents, without eglecting essential duties of my negotiations ; but such a full supply of ocuments may sometimes be important.

Should it be deemed expedient to follow a similar practice, in those legations where there is much that requires attention it would be necessary › add one or two young men for the purpose of performing that labor. 'erhaps good consequences would result from it. A few intelligent young ien, passing two or three years in this way, would enlarge the number of ualified candidates from whom the Government could hereafter select its iplomatic agents. Without giving them a pledge for promotion, there re no doubt many who would seek the employment with a view to completing their education, and to be better prepared to follow a profession or ublic career at home. They might continue their studies, and would acquire a knowledge of foreign languages, an acquaintance with the world, and with the habits of that part of society in which foreign ministers are placed; and these are essential advantages which have been sometimes overlooked in our practice, not, I presume, from being undervalued, but from the difficulty of finding them united with other indispensable qualifications.

I have the honor to be,
With high respect,
Your most obedient servant,
W. TUDOR.

To the Hon. Martin Van Buren,
Secretary of State.

Translation of one of the bonds issued by the Brazilian Treasury for indemnities in the case of the ship Spermo.

Bond (cedula) for milreas 30,088.314. **CALMON.**

On the appointed day of 28th February, 1830, there shall be paid, at the national treasury, to the legation of the United States of America near this Court, upon the present scrip, (cedula,) the above sum of thirty million eighty-eight thousand three hundred and fourteen reas; that is to say, twenty-four million nine hundred ninety-four thousand two hundred reas principal, and five million ninety-four thousand one hundred and fourteen reas interest to this day, in the manner agreed upon, as first payment for indemnities for losses, damages, and injuries sustained by the owners and shippers of the ship Spermo, one of the vessels belonging to the said States, taken and detained by the squadron blockading the river Plate, and by other Brazilian authorities; all in conformity to the decree of the 10th September of the present year, accompanying the thirteen agreements, and approved at this Court, between the Minister Secretary of State for Foreign Affairs and Mr. Tudor, the chargé d'affaires of the United States, under date of the 15th June of this year.

Rio de Janeiro, 7th November, 1829.

JOSE PRINCIPIO DE CASTRO.

Correspondence with the Government of Brazil from August 11th to 20th of November, 1829.

No. 1. Letter to the Minister of Foreign Affairs, on the subject of certain bills drawn on account of the bonds of the ship Spermo, which had been cancelled by agreement; and note of the verbal answer, that the proceeding was a mistake, and that the bills would be suppressed.

No. 2. Letter to the same, enclosing the petition of the New York South American Steamboat Association to his Imperial Majesty, with some remarks on the justice of the claim.

No. 3. Reply to the preceding from the Minister of Foreign Affairs, communicating that his Majesty had directed the further consideration of this subject should be postponed till the arrival of Mr. Rebello, who was the agent in the business, and who was expected to return immediately.

No. 4. Letter to the Minister of Foreign Affairs, in reply to the preceding, and assenting to the expediency of deferring the subject till the arrival of Mr. Rebello.

No. 5. Letter from the Minister of Foreign Affairs, communicating that a return of certain duties, overpaid by an American house, had been ordered by the Minister of Fazenda.

No. 6. Note to the Minister of Foreign Affairs, urging the delivery of the bonds, with a *memorandum* in explanation.

No. 7. Letter from the Minister of Foreign Affairs, respecting the want of a regular commission in the vice consul of the United States at Para, and his being suspended from the exercise of his functions.

No. 8. Letter from the same, to make known that after the 1st of July, 1830, no vessels would be admitted into the ports of Brazil, which did not bring their clearance, manifest, and bill of health certified by the Brazilian consuls, and enclosing copy of the general regulation for that object.

No. 9. Note to the Minister of Foreign Affairs, acknowledging the receipt of the two previous despatches.

No. 10. Note to the Minister of Fazenda, requesting that the bonds might be transmitted, conformably to his promise.

No. 11. Letter from Mr. Calmon, Minister of Fazenda, informing that the bonds were ready for delivery.

No. 12. Copy of one of the bonds.

No. 13. List of the total amounts in each case for which the bonds are now issued.

No. 1.

Mr. Tudor to the Minister of Foreign Affairs.

LEGATION OF THE UNITED STATES OF AMERICA,
Rio Janeiro, August 11, 1829.

The undersigned, chargé d'affaires of the United States of America, has the honor to address his excellency the Marquis of Aracaty, Councillor, Minister, and Secretary of State for Foreign Affairs, respecting the bills of exchange which have been drawn at Pernambuco, for the amount of the bonds given for the American ship Spermo. The undersigned went to the city yesterday for the purpose of conversing with his excellency on this topic, but found the Foreign Office closed on account of the holiday. He however presumes that it is owing to some mistake that these bills have been drawn, as, by his excellency's note of the 23d of August last, the undersigned was expressly informed that these bonds were annulled, which fact he lost no time in communicating to his Government, as this subject was very particularly dwelt upon in his instructions. This topic having been so fully discussed on a former occasion, the undersigned restricts himself to requesting his excellency to have the goodness to communicate to the Marine Department the fact of the cancellation of these bonds, and that the bills drawn for them should be of course superseded.

The undersigned avails himself of this occasion to request his excellency to accept the assurances of his very high respect and consideration.

W. TUDOR.

[*Memorandum.*—Mr. Lisboa, chief clerk of the Foreign Office, called on the 13th to say, in answer to the above, that the bills had been drawn in consequence of a general order; but, as these bonds were cancelled, they would be suppressed.]

No. 2.

Mr. Tudor to the Minister of Foreign Affairs.

The undersigned, chargé d'affaires of the United States of America, has the honor to address his excellency the Marquis of Aracaty, Councillor, Minister, and Secretary of State for Foreign Affairs, and to enclose certain papers, which have been recently received, being a petition from the South American Steamboat Association of New York, to his Imperial Majesty the Emperor of Brazil, accompanied by documents to support and illustrate the object of their petition.

The undersigned transmitted to the association copies of the correspondence he had the honor to hold with his excellency on a former occasion relative to their claim, and the papers enclosed have been forwarded in consequence. The documents previously in the possession of the undersigned were so deficient, that he had a most imperfect view of the case; but those now submitted throw ample light upon it; and, as these transactions occurred before his excellency took charge of the Foreign Department, they will doubtless tend to alter some of the impressions he may have received on the subject, and will, it is hoped, serve to excuse a few remarks in explanation, though these will be obvious on a perusal of the papers themselves.

In the first place, it is clear that the contract with Mr. Rebello, and the consequent expedition of the steamboat Amazon to Para, and the unexpected prohibition of the Governor to the prosecution of the enterprise, (out of which has arisen the greater part of the loss to the association, and for which they are now soliciting the highest authority for redress,) are wholly distinct from the proposal for a continued system of steam navigation on the Amazon, with a monopoly for a term of years, and various peculiar privileges; which proposal was rejected by the Government, on account of some of its conditions.

The directors of the association remark to the undersigned, that it was doing them a great injustice to blend these two objects; being as they are, wholly separate and distinct. The proposal to carry on a steam navigation, under peculiar privileges, for a term of years, the Government rejected, or rather declined to act upon, and no other complaint was made on this account, except for the very injurious delay and uncertainty which occurred in making this decision. But the steamboat despatched for Para was only an insulated experiment, enjoying no peculiar privileges, and was undertaken by direct contract, and under the earnest invitations and most positive encouragement of his Imperial Majesty's chargé d'affaires, empowered and instructed for that purpose; which powers, held and exercised by Mr. Rebello, are of such essential moment in deciding this question, that it is necessary to dwell upon them particularly.

Mr. Rebello gave the company the following extract from his instructions, as appears by his own original letter annexed: "In the sixteenth article of my instructions, it is said, *animara os capitalistas fabricantes e quaesquer emprehendores, sobre tudo os barcos de vapor, para ostuazerem a sua carta, contentando se com a protecção do Governo, que se lhe dara do modo o mais liberal e util para elles sem prejuicio de ningum.*"

These instructions were the basis of the engagement made by the company; but, when the committee to which the memorial of the company's agent was referred by the Legislative Assembly, asked for information on the subject, his excellency the then Minister of Foreign Affairs answered, that the instructions of the chargé d'affaires were as follows: "*animara mas sem comprometter o Governo, os capitalistas,*" &c. It is not denied that the wish or intention of the Government may have been in conformity with the words above given, though such a modification would have rendered the whole article abortive; but these most important words do not appear in the copy given by Mr. Rebello; and, if they had existed, neither this company nor any individual would have engaged in any enterprise founded upon them. Indeed, it is difficult to imagine in what view such contradictory instructions could have been contemplated, because their own terms must have rendered them nugatory; for, how is it possible to *animar sem comprometter*, especially in this instance, where the engagement in behalf of the Brazilian Government was simply to accord protection, without involving any expense or risk whatever; but which protection was to be given "*do modo o mais liberal e util para elles.*" The opinion of the committee of the Legislature was, however, favorable to the company, as far as the enterprise undertaken to the Amazon was concerned; though they referred the subject of the proposals for an exclusive privilege, for future consideration.

It may be confidently affirmed, after a perusal of the enclosed documents, and especially Mr. Rebello's letters to the association and to the Governor of Para, that no doubt can exist of his having made a contract in conformity with his instructions. The contrary can only be sustained by supposing that he either suppressed a part, or that he did not understand the tenor of them; and the character of that gentleman, both for integrity and intelligence, renders either supposition wholly inadmissible. The only reproach perhaps that can be made against him is, that he held out too flattering inducements to the association to enter upon a costly and hazardous undertaking; but this sanguine view was no doubt assisted by his zeal to comply with the wishes of his Government, at the time of his departure, and from witnessing the prodigious advantages which had resulted to the United States from the prosecution of steam navigation, and that similar advantages would also have been felt in Brazil; and which benefits would not have been confined to the provinces watered by the Amazon, but would undoubtedly have given rise to a line of steamboats between Para and this capital; in which event the communication, which is now so tedious and uncertain, would have become regular, rapid, and secure, and which, for reasons too obvious to enlarge upon, seems to be an object of great moment to the prosperity of the empire.

Mr. Rebello was fortunate in making an arrangement with some of the most respectable citizens of the United States, whose resources and disposition to fulfil their engagements were shown by the promptitude with which they despatched the steamboat to Para, and their sending an agent to this Court to make proposals for a general and extensive plan of steam navigation; the latter was virtually declined by the Government, and to this refusal they submit without complaint, though it occasioned them not only disappointment, but considerable expense: but the former, which was founded on a positive contract, that was not complied with, has subjected them to heavy losses, for which they now solicit redress from the highest authority.

The reasons which induced the Government to prohibit the prosecution of the expedition of the steamboat Amazon, have never been given, nor do they seem obvious; yet this does not lessen their reality or their force; but, if these were sufficient to prevent the fulfilment of the contract, they must surely authorize a compensation for the loss that was the consequence.

In addressing their petition to his Imperial Majesty, they look with confidence to the justice and magnanimity of the Emperor, to order that redress should be given for the unmerited injury they have sustained; and their confidence in this source is so much the greater, that they have no other resort; because this transaction having grown out of a contract which they voluntarily entered into with the representative of his Imperial Majesty, the Government of the United States cannot sustain their claim beyond an intervention of its good offices; which the undersigned is instructed to employ, and which of course it would be painful to that Government to see disregarded, in a case where its citizens have such a well-founded claim.

The undersigned will only add, that it is an unpleasant office to him to urge any claim, at the same time, his public duty and the convictions of justice make it imperative; but in making an arrangement for settlement, he will take upon himself the responsibility of rendering it as little onerous as possibile to the Government of Brazil.

The undersigned avails himself of this occasion to request his excellency the Marquis of Aracaty to receive the assurances of his high respect and consideration.

W. TUDOR.

No. 3.

The Minister of Foreign Affairs to Mr. Tudor.

O abaixo assignado, do conselho de sua Majestade o Imperador, Ministro e Secretario de Estado dos Negocios Estrangeiros, tem a honra de participar ao Sor. Guilhermo Tudor, encarregado de negocios dos Estados Unidos de America, que havendo levado a soberana presença de sua Majestade o Imperador a sua nota de 13 do corrente, a respeito da Sociedade Americana Meridional dos Barcos de Vapor, o mesmo augusto Senhor deliberon que antes de dar a este respeito huma resposta definitiva, se ouvisse o encarregado de negocios deste Imperio junto ao Governo dos Estados Unidos, Jose Sylvestre Rebello, o qual hevemente chegara a esta corte, pois que ja se acha em Washington, o seu successor; visto que o dito encarregado de negocios he essentialmente envolvido nesta quaestão, e foi a principal causa da referida sociedade mandar ao Para, a barca que tem dado motivo as reclamações existentes, como o Sor. Tudor reconhece.

Com este motivo, o abaixo assignado renova ao Sor. Tudor as expressoens do seu obsequio e estima.

Palacio do Rio de Janeiro, em 29 de Octubre de 1829.

MARQUEZ DO ARACATY.

No. 4.

The Minister of Foreign Affairs to Mr. Tudor.

Tenho de participar ao Sor. Guilhermo Tudor, encarregado de negocios dos Estados Unidos de America, em resposta a sua nota de 13 de Maio passado, que o Sor. Ministro da Fazenda acabro de participarmé que foram deferidos os negociantes Maxwell, Wright, é Compania, expedindo se ordem ao desembargador juiz interino do alfandega, para levar se lhe em conta nos futuros despachos, o excesso de direitos de 15 a 24 por cento que pagárando carregamento despachado em Octubre do anno passado, dos seus navios Hesperus, Potosi, e Lion, por isso que lhe devia aproveitar abi de 24 de Setiembre do dito anno, pela qual se tenham reduzido os direitos de importação para todas as naçoens.

Por este motivo, reitero ao Sor. Guilhermo Tudor as expressoens da meu obsequio e estima.

Palacio do Rio de Janeiro, em 29 de Octubre 1829.

MARQUEZ DO ARACATY.

No. 5.

Mr. Tudor to the Minister of Foreign Affairs.

Legation of the U. S. A.,
Rio de Janeiro, October 30, 1829.

The undersigned, chargé d'affaires of the United States of America, has the honor to address his excellency the Marquis of Aracaty, Councillor, Minister, and Secretary of State for Foreign Affairs, and to acknowledge the receipt of his two notes dated yesterday : the first of which, respecting the relief accorded by his excellency the Minister of Fazenda, for the overpayment of certain duties, as stated in the memorial of Messrs. Maxwell, Wright, & Co., he has had the satisfaction to communicate to those gentlemen. In regard to the memorial of the steamboat company, the decision of his Imperial Majesty, that as Mr. Rebello is expected here soon, and the transaction having grown out of his agency, it shall be deferred until his arrival, seems to be perfectly expedient. The delay indeed will be a disappointment to the association, which have suffered so much in the loss of their funds ; but as the case is one of some importance, the undersigned would not wish to press its adjustment until the Government of Brazil shall be fully satisfied of its merits ; which no doubt will be the consequence of investigating it with Mr. Rebello personally, by displaying the facts more minutely, though perhaps not more decisively than is now done in his letters, attached to the memorial.

The undersigned solicits the intervention of his excellency to obtain from the Department of Fazenda the issue of the bonds for the claims.

It is now a month since the undersigned was assured by his excellency Mr. Calmon, in conversation, that they should be completed within a week. The delay without doubt escapes his attention, and is particularly injurious to one or two of the claimants, who are obliged to linger here, to their great loss and inconvenience, till the business is completed; and the undersigned is compelled to suffer the mortification of writing time after time to his Government that the affair is still unfinished.

The undersigned avails himself of the occasion to request his excellency the Marquis of Aracaty to accept the assurances of his high respect and consideration.

W. TUDOR.

No. 6.

Mr. Tudor to the Minister of Foreign Affairs.

PRAYA FLAMINGO, *November* 6, 1829.

The chargé d'affaires of the United States of America tenders his respectful salutations to his excellency the Marquis of Aracaty, and having understood that the bonds were in such a state of preparation that they can be immediately issued, solicits, for reasons before mentioned, the intervention of his excellency with the Department of Fazenda for that purpose.

[*Memorandum.*—In the evening of the day this note was written, I met with Mr. Calmon, who came to me, and made a long explanation why these bonds had been delayed, but that they were now complete, and that he would bring them to me himself on the Thursday following, which was the 12th. I immediately spoke to the Minister of Foreign Affairs, and explained to him why it would be unnecessary to act upon my note of the same day.]

No. 7.

The Minister of Foreign Affairs to Mr. Tudor.

Havendo participado o Presidente da Provincia do Para, que em observancia das ordens expedidas por esta Secretaria de Estado dos Negocios Estrangeiros, avisara os agentes consulans de todas as naçoens alli residentes para a presentarem os seus diplomas, pois que não devem exercer as suas funcçoens sem haverem obtido o beneplacito imperial por esta mesma Secretaria de Estado, e que achara todos em regra, a excepção do vice consul dos Estados Unidos de America ao qual marcara hum anno, para obter o dito imperial beneplacito, para aquelle findo o qual ficara suspensas suas funcçoens consulares, cumpre me assim o communicar ao Sr. Guilhermo Tudor, encarregado de negocios dos ditos Estados Unidos, para ficar na intelligencia do que tem occorrido a este respeito. E com este motivo, renovo ao Sr. Tudor os protestos da minha consideração e estima.

Palacio do Rio de Janeiro, em 5 de Novembre de 1829.

MARQUEZ DO ARACATY.

No. 8.

The Minister of Foreign Affairs to Mr. Tudor.

Sua Magestade o Imperador, querendo occorrer com providencias adequadas aos abusos que setem permittido alguns capitaens de navios mercantes, pertencentes as naçoens amigas deste imperio, de non trazerem devidamente legalizados pelos consules Brazileiros, os passaportes, manifestos, é cartas de sande: houve por bem determinar que do 1° de Julho do anno proximo futuro em diante, não sera recebido, nem dara entrada nas alfandegas do mesmo imperio, nenhum navio de commercio que não vier munido dos documentos exigidos pelo paragrapho 9° do Alvara de 30 de Maio de 1820, junto por copia.

Outro sim mandon sua Magestade declarar aos seus consules em todos os paizes estrangeiros, que na legalização dos manifestos se devem limitar de hoje em diante, a certificar e legalizar somente os manifestos dos navios em geral, e não como até agora fuzião, cada hum dos cockets ou conhecimentos que instruem e documentaõ o mesmo manifesto.

O abaixo assignado se apressa em faza esta communicação ao Sr. Guilhermo Tudor, encarregado de negocios dos Estados Unidos de America, e lhe renova as expressoens do seu obsequio e estima.

Palacio do Rio de Janeiro, em 10 de Novembre de 1829.

MARQUEZ DO ARACATY.

[Document enclosed in the preceding.]

Paragrapho 9° *do Alvara de* 30 *de Maio de* 1820.

Para evitar alguns inconvenientes que tem occorrido na observancia do paragrapho trese do sobredito Alvara de 25 de Abril de 1818, determino que para serem admittidos nos portos Brazileiros os navios de qualquer nação amiga ou alliada deverão apresentar o passaporte, ou documento legal, seguindo o uso establecido em cada huma dellas que legalize a nação a que pertence e o destino de sua viagem, e o manifesto das alfandegas ou declaração authentica de toda a carga, que trazem a seu bordo, e este vira reconhecido e certificado pelos consules ou vice consules virão authenticados per aquella authoridade civil ou commercial, que poder tenha para o facer; sem o que não serão admittidose serão mandados sahir. E os navios Brazileiros que sahirem para algum porto deverão igualmente levar o manifesto da carga reconhecido e certificado pelo consul ou vice consul da nação a quem pertence o porto para onde se destinão. Pelo que porem pertence aos navios Ingleses, se continuara a observar o que se acha convencionado.

Esta conforme:

BENTE DA SILVA LISBOA.

No. 9.

Mr. Tudor to the Minister of Foreign Affairs.

LEGATION OF THE U. S. A.,
Rio de Juniero, November 12, 1829.

The undersigned, chargé d'affaires of the United States of America, has the honor to acknowledge the receipt of two notes from his excellency the Marquis of Aracaty, Councillor, Minister, and Secretary of State for Foreign Affairs; the first of which regards the vice consul of the United States at Para; and the other relating to the documents of merchant ships both of which he will communicate to his Government without delay

He avails himself of the occasion to request his excellency to accept the assurances of his high respect and consideration.

W. TUDOR.

No. 10.

Mr. Tudor to Mr. Calmon, Minister of Fazenda.

PRAYA FLAMINGO, *November* 17, 1829.

The chargé d'affaires of the United States of America presents his respects to his excellency the Minister of Fazenda, and trusts he will excuse his reminding him of his obliging promise relating to the bonds made in their conversation on the 6th instant.

He will not trouble his excellency with a detail of the reasons which keep him in a state of painful anxiety on this subject; but as he was assured that the documents were all in readiness, he most earnestly solicits his excellency, Mr. Calmon, to cause them to be transmitted to him.

No. 11.

The Minister of Fazenda to Mr. Tudor.

Miguel Calmon da Peni Almeida, Ministro e Secretario d'Estado dos Negocios da Fazenda, Presidente do Thesouro Nacional, tem a honra de participar a Mr. Tudor, encarregado de negocios dos Estados Unidos d'America, que se achão promptas as cedulas para o pagamento das indemnizações das presas na forma communicada; podendo a manhão pelas onze horas mandar ao Thesouro pessôa authorisada para as receber, deixando abi o competente recibo.

O mesmo Ministro e Secretario d'Estado aproveita esta occasião para reiterar a Mr. Tudor os protestos de sua cordeal estima e consideração.

Secretaria d'Estado dos Negocios da Fazenda em 18 de Novembro de 1829.

No. 12.

Copy of one of the bonds.

Cedula de reis 30,088.314. **CALMON.**

No prefixo dia vinte oito do Fevreiro de mil oito centos e trinta se pagará no Thesouro Nacional á Legação dos Estados Unidos d'America nesta corte pela presente cedula a quantia acima de trinta contos oitenta e oito mil tresentos e quatorze reis ; a saber, vinte quatro contos novecentos noventa e quatro mil e ducentos reis de capetal, e cinco contos noventa e quatro mil conten quatorze reis de juros, até áquelle dia na forma convencionada para primeiro pagamento das indemnisações das perdas, damnos, e prejuizos que sofrerão os donos e carregadores do navio Spermo, huma das embarcações pertencentes aos ditos Estados apresados e detidos pela esquadra que bloqueara o Rio da Prata, e por outras autoridades Brasileiras, tudo em conformidade do decreto deden de Setiembre do corrente anno, que acompanihon os treze convenios celebrados e approvados nesta corte entre o Ministro e Secretario d'Estado dos Negocios Estrangeiros, e o encarregado de negocios dos Estados Unidos, W. Tudor, em data de quinze de Junho deste anno.

Rio de Janiero em 7 de Novembre de 1829.

JOSE PRINCIPIO DE CASTRO.

No. 13.

List of the several amounts, principal and interest, awarded for American claims, and for which bonds have been received.

	Principal.	Interest.	Total.
Tell-tale	Rs. 35,635.500	2,289.350	37,924.850
Pioneer	18,000.000	3,134.676	21,134.676
Sarah George	34,958.040	7,514.159	42,472.199
Rio	6,733.500	1,347.534	8,081.034
Panther	3,000.000	1,229.918	4,229.918
Hero	10,305.000	1,743.979	12,048.979
Nile	3,000.000	313.178	3,313.178
Budget	29,050.500	1,889.493	30,939.993
Hannah	34,978.500	2,219.274	37,197.774
Spermo	74,982.600	17,263.203	92,245.803
Hussar	25,504.182	2,823.642	28,337.824
Amity	15,030.000	1,892.878	16,922.878
Ruth	24,443.949	4,984.491	29,428.440
	Bonds,	Total,	364,267.546
To be added for the brig Ontario, paid			1,742.000
brig Spark, ⅔ paid			61,250.000
		Total,	Rs. 427,259.546

No. 148.

Mr. Tudor to Mr. Van Buren.

Legation of the U. S. A.,
Rio Janeiro, November 22, 1829.

Sir: I have now the satisfaction to inform you that I have received the bonds issued for the payment of our claims. Various causes have occasioned the delay, and a principal one has been the dissensions that have existed among the ministry for some time past, and which have served to impede the transaction of business. I felt so much anxiety at the procrastination, that I was determined to press the affair to a conclusion, which is fortunately effected. The bonds are 39 in number, being three for each of the 13 cases; the first series payable the 28th of February, 1830, the second on the 28th of August of the same year, and the third on the 28th of February, 1831; and they amount to, principal and interest, reas 364,267.546; add to this the sum that has been received for the brigs Spark and Ontario, and the total is reas 427,259.546. As the French bonds were in a similar situation with ours, they were delivered at the same time, amounting to about 160 contos. The English claims remain unsettled, and it is difficult to say when that negotiation will be completed.

On this conclusion of a negotiation, which has required at times close attention, and excited great anxiety, I hope you will excuse my adding a few observations. Many of our countrymen have been clamorous for the use of force to coerce the settlement of these questions; but the circumstances above mentioned seem to allow the inference that it is not always the most expedient policy. The French sent a squadron of eleven sail, with a very menacing aspect, and the amount they have recovered is but little more than one-third of what has been received by us; while the English sailed out and in for some weeks, with threats of direct reprisals, and no progress has yet been made in their affairs. It is gratifying that our country should be thus considered by this, and the course they have followed seems to afford another motive for cultivating a good understanding with this Government. It is always an agreeable task to render justice; and I am happy to add, that besides these claims now finally settled, various others of a different description, such as the refunding of duties in five or six cases, the payment of protested bills for some supplies furnished to one of their ships in the West Indies, &c. have been liberally made, and though very just grounds of complaint were formally created, I am bound to say that I have met with every concession that I could reasonably expect; the merits of which are certainly enhanced by a consideration of the financial difficulties in which this Government is unfortunately involved.

A struggle between the ministers has openly existed for some time past. The Minister of the Empire, Mr. Pereira, and the Minister of Finance, Mr. Calmon, are the rival parties, the former representing the Portuguese interest, and the latter the Brazilian, though he is opposed by the popular party in the Legislature. The War Department has been vacant for some time, and the nomination of a friend to one of the rivals would have decided the question between them. The Marquis of Barbacena, who has lately returned from Europe, and who has considerable influence, is the friend of Calmon, but is said to have declined coming into the ministry, at present, from a distrust of its solidity. The last report is that the Emperor told his ministers that they must adjust their disputes and act harmoniously, as he should make no changes until the meeting of the Legislature next year.

The Emperor and Empress, with a small suite, have gone to pass a few days at Santa Cruz, a splendid domain formerly belonging to the Jesuits, about twenty leagues from the capital. During his absence, his daughter by the Marchioness of Santos, who bears the title of Dutchess of Goyar, embarks for France in a frigate, to be educated in a convent. This step is taken to redeem his pledge to the Empress respecting his former favorite. Their union appears thus far to be a happy one; and she has made several reforms in the interior of the palace. Her brother, the Duke of Leuchtenberg, has been created by the Emperor Duke of Santa Cruz, with the style of Royal Highness. These circumstances give rise to the rumor that it is in contemplation to marry him hereafter to the young Queen of Portugal.

A Colombian frigate and sloop of war arrived here a few days since, and it is said that two others of the same classes will join them, and that they will then proceed to the Pacific. When this squadron commands the Bay of Callao, the ulterior views of General Bolivar will be fully developed. The two corvette brigs have arrived from France to join the French squadron under Admiral Grivelle, and an English sloop of war from England to join Admiral Baker. Our ships are at Bahia. Our latest dates from the United States are to the 23d of September; my latest from the Department that of April 22d.

I have the honor to be, with high respect,
Your most obedient servant,
W. TUDOR.

To the Hon. Martin Van Buren,
Secretary of State.

No. 149.

Mr. Tudor to Mr. Van Buren.

Legation of the U. S. A.,
Rio de Janeiro, November 24, 1829.

Sir: I received letters yesterday from Valparaiso to the 10th of October, and among them the enclosed from Mr. Larned. Valparaiso had suffered a few days before a very severe earthquake, and the province of Conception had risen in insurrection against the Government—a kind of harmony which seems inherent in those regions, as no year passes without an occurrence of one or the other, and sometimes both. The dates from Peru to the 15th of September announce that there was no longer any hope of peace, and that Bolivar was marching towards the frontiers: it is only strange that any person should have been led to believe that he ever had for a moment desisted from his plans. These letters came by a French brig of war, and contain few details, but refer me to others by an English corvette to sail soon after.

I presume Mr. Larned's letter will contain ample information of the state of affairs there.

By the ship Romulus, from New York, I received yesterday several files of papers, and the duplicate of your despatch of April 22d; also, some letters from the Department for different consuls, which will be duly forwarded.

The French chargé d'affaires called on me yesterday, and gave me an amusing account of the very cavalier manner in which his application to the Minister of Finance, for the delivery of their bonds, had been received, and the asperity he was compelled to use on the subject, which ended by their being promised for to-day. I allude to this only as another indication of the different manner in which these affairs have been treated. I felt, indeed, very impatient at the delay, but at the same time always experienced the greatest courtesy on the part of the Brazilian ministers.

Mr. Wright has shown me a letter that he has received from the Department, on the subject of an exchange of consulates, with a request that I would express my opinion to you; which may perhaps excuse my doing so. Mr. Wright is a young man of honorable and quick feelings, who came out here without property, having a young family dependent on him, in addition to the children of a deceased brother, whom he adopted. He formed a commercial connexion with a man of large capital, and the share of business their house has obtained, bids fair in a few years to allow of his return with a moderate independence. The emoluments of the office, though much exaggerated, as usual, by report, have been, he tells me, of considerable assistance to him, and the office itself no doubt contributes to procure him commercial business. His constitution is not robust, and he has an hereditary tendency to pulmonary complaints, under which he has suffered a good deal, but is now better; but which would make a residence in a northern climate very prejudicial. I believe he has generally given satisfaction to his countrymen (no easy task) in his office; and the Minister of Foreign Affairs spoke of him to me in a very favorable manner on my arrival. After mentioning these circumstances, it is unnecessary for me to add any expression of my wishes in the case.

I have the honor to be, with great respect,
Your most obedient servant,
W. TUDOR.

Hon. Martin Van Buren,
Secretary of State.

No. 150.

Mr. Tudor to Mr. Van Buren.

Legation of the U. S. A.,
Rio Janeiro, November 28, 1829.

Sir: In forwarding the enclosed duplicate of my last letter, I wish to correct an error respecting the amount of the bonds received for the French claims, which I stated at about 160 *contos;* when the difference of exchange is calculated, they will, I am since informed, amount to 250 *contos.*

A curious circumstance is mentioned to me in a letter from Mr. Hogan, n Chili, which is connected with an important branch of state policy, and herefore may be worth mentioning.

The liberal part of the clergy and laity (which is not everywhere the ajority) in South America, have strenuously contended for the right of ominating their bishops to the Pope for his consecration; and the point s rendered still more interesting at the present time, as so many of the ees are vacant. The Congress of Chili was engaged in discussing the uestion, and a member had just been making a strong speech against the retensions of his Holiness, when the late earthquake came and rent the alls of the building so fearfully, that an immediate flight was the con-quence. This coincidence, accompanied by the comments of the priests, ill not fail to have its effect on a very superstitious people, and an im-ortant political question will probably be decided by this accident. The ongress was obliged to adjourn to St. Jago by the ruinous state of their ll, and it was thought there would be no further opposition to the exer-se of the Papal power.

A Brazilian frigate sailed on the 24th for Brest, carrying the little ille-timate daughter of the Emperor to be educated in France; also Mr. iveira, formerly a secretary of legation in Washington, to be the razilian chargé d'affaires at Naples. On the same day the Russian nister, Baron de Palenga, arrived from France. He is an Italian by rth, and has resided the greater part of his life in Portugal. His wife nsiders herself an American, as she resided 17 years in New York. He emed to meet me very cordially, and spoke of the friendship between our pective countries; which would naturally occur to him, as he might pect that the English and Austrian legations would be affected by the posite state of feeling existing between their different nations. He emed to have been much gratified by a salute he received from Commodore Creighton in the Hudson, at Bahia, where he touched on his way re.

The French and English squadrons remain without any material change. e Colombian ships sailed this morning. I understand they shipped some ditional sailors. The Hudson and Vandalia are expected back in a few ys to replenish their stores.

I have the honor to be, with high respect,

Your most obedient servant,

W. TUDOR.

Hon. Martin Van Buren,
Secretary of State.

No. 151.

Mr. Tudor to Mr. Van Buren.

Legation of the U. S. A.,
Rio de Janeiro, December 9, 1829.

ir: Since my last, an entire change of the Brazilian ministry has en place. I received a note, dated the 4th instant, from Mr. Calmon, rming me that he had been appointed Minister of Foreign Affairs.

The Marquis of Barbacena has the Department of Finance, the Marquis of Caravellas that of the Empire, the Viscount d'Alcantara that of Justice, the Marquis of Paranagua the Marine, and the Count de Rio Pardo the War Department. All these, except the last, are native Brazilians; and it is said that a few months hence Mr. Andrade will be put in the Finance Department, and Barbacena take the War Office; the whole ministry will then be Brazilian.

Of course, the Portuguese party are much vexed by the discomfiture they have received.

A very serious accident occurred on the 7th instant: the Emperor was driving a pair of horses in an open carriage, in which were the Empress, her brother, the Duke of Santa Cruz, the Queen of Portugal, and a German lady, maid of honor to the Empress. The pole of the carriage broke, and soon after, the reins, and the horses being totally unmanageable, the carriage was violently overturned on a heap of stones. The Emperor had two ribs broken, and some severe contusions; the Duke of Santa Cruz had his arm broken and dislocated; the Queen of Portugal was severely wounded in the face, and the lady of honor was so severely wounded in the head that she is considered in a dangerous state; the Empress escaped with only a few bruises. The Emperor is said to be doing well. I enclose the bulletins issued on the occasion.

The enclosed receipts are from the respective agents of the claimants for the bonds issued by this Government, in liquidation of their claims, and this delivery completes my part in the negotiation.

I received two days ago letters from Chili to the 12th of October. The insurrection in the province of Conception is considered as very serious, and that the consequence will be very mischievous. A body of troops was ordered to march against the revolters, which it was feared by many would join them. The insurgents are friends of O'Higgins, and this movement is thought to be produced by the agents of Bolivar. As soon as the latter arrives in Lima, O'Higgins will no doubt be sent up; and if he could be independent, he would govern the country well. General Pinto, who had been chosen President, declines taking the office; and Chili, which was in rather a prosperous state, is now involved in the same confusion as her neighbors.

Except the arrival of an English sloop of war from Chili, on her way to England, having on board $1,200,000, the foreign force in the bay remains as at my last. Our ships have not yet returned from Bahia.

I have the honor to be,
With high respect,
Your most obedient servant,
W. TUDOR.

To the Hon. MARTIN VAN BUREN,
Secretary of State.

P. S. I have just returned from a visit of inquiry to the Emperor, and it appears that all the sufferers are fortunately doing well.

RIO DE JANEIRO, *December* 8, 1829.

I have received from the chargé d'affaires of the United States of America eighteen cedulas, issued by the Brazilian Government, for the claims in the following cases, viz :

For the brig Budget.

1st	cedula for rs.	10,070.987,	payable	February	28,	1830.
2d	do	10,312.003,	do	August	28,	1830.
3d	do	10,557.003,	do	February	28,	1831.

For the Hannah.

1st	cedula for rs.	12,114.615,	payable	February	28,	1830.
2d	do	12,397.694,	do	August	28,	1830.
3d	do	12,685.465,	do	February	28,	1831.

For the Spermo.

1st	cedula for rs.	30,088.314,	payable	February	28,	1830.
2d	do	30,744.779,	do	August	28,	1830.
3d	do	31,412.699,	do	February	28,	1831.

For the Hussar.

1st	cedula for rs.	9,192.780,	payable	February	28,	1830.
2d	do	9,439.310,	do	August	28,	1830.
3d	do	9,694.724,	do	February	28,	1831.

For the Amity.

1st	cedula for rs.	5,497.080,	payable	February	28,	1830.
2d	do	5,640.168,	do	August	28,	1830.
3d	do	5,785.630,	do	February	28,	1831.

For the Ruth.

1st	cedula for rs.	9,589.216,	payable	February	28,	1830.
2d	do	9,807.842,	do	August	28,	1830.
3d	do	10,031.382,	do	February	28,	1831.

For which I am accountable to the owners of the said claim, and have igned this receipt in duplicate.

JAMES BIRCKHEAD

Rio de Janeiro, *December* 3, 1829.

I have received from the chargé d'affaires of the United States of America fifteen cedulas, issued by the Brazilian Government for the claims in the following cases, to wit:

For the brig Rio.

1st	cedula for rs.	2,632.359,	payable	February	28, 1830.
2d	do	2,693.341,	do	August	28, 1830.
3d	do	2,755.334,	do	February	28, 1831.

For the brig Pioneer.

1st	cedula for rs.	6,880.189,	payable	February	28, 1830.
2d	do	7,031.428,	do	August	28, 1830.
3d	do	7,223.059,	do	February	28, 1831.

For the schooner Tell-tale.

1st	cedula for rs.	12,347.986,	payable	February	28, 1830.
2d	do	12,640.003,	do	August	28, 1830.
3d	do	12,936.861,	do	February	28, 1831.

For the brig Sarah George.

1st	cedula for rs.	13,824.497,	payable	February	28, 1830.
2d	do	14,155.571,	do	August	28, 1830.
3d	do	14,492.131,	do	February	28, 1831.

For the brig Nile.

1st	cedula for rs.	1,086.983,	payable	February	28, 1830.
2d	do	1,104.613,	do	August	28, 1830.
3d	do	1,121.582,	do	February	28, 1831.

For which I am accountable to the owners of the said claims, and have signed duplicate receipts.

W. H. D. C. WRIGHT.

Rio de Janeiro, *November* 30, 1829.

We have this day received from the chargé d'affaires of the United States of America the cedulas issued by the Brazilian Government for the payment of the claims in the cases of the ship Panther and the schooner Hero, viz:

For the Panther.

1st	cedula for rs.	1,381.061,	due	February	28, 1830.
2d	do	1,409.746,	do	August	28, 1830.
3d	do	1,439.111,	do	February	28, 1831.

For the Hero.

1st	cedula for rs.	3,917.725,	due	February	28, 1830.
2d	do	4,015.779,	do	August	28, 1830.
3d	do	4,115.475,	do	February	28, 1831.

And have signed duplicate receipts for the same.

SAMUEL CLAPP.
SAMUEL C. LEWIS.

No. 153.

Mr. Tudor to Mr. Van Buren.

Legation of the United States of America,
Rio de Janeiro, December 20, 1829.

Sir: My last was only a letter of advice to accompany a bill of exchange. I have the honor to enclose a duplicate of No. 151. Nothing of particular importance has occurred here since its date.

By a vessel in a very short passage from Lima, I received, some days since, letters to the 26th October, enclosing the treaty of peace between Colombia and Peru. The tone of justice and moderation which pervades this instrument, forms such a striking contrast with the arrogant, dictatorial tone of all the previous acts of Bolivar, that they were at a loss in Peru to account for this sudden change, and suspected there were some secret articles. They were not aware of the departure of the Spanish expedition from Havana, which forced Bolivar to give up his design of invading Peru. This fortunate event will give Colombia, Peru, and Chili a respite which may perhaps ultimately save them. At least it seems impossible that the scheme of General Bolivar can be resumed, after this treaty, with open violence; instead of this he will propably attempt to carry his objects by intrigue, after establishing his proposed changes in Colombia. The Spaniards, in their pertinacious absurdity, are thus serving the very cause which they aim at subverting.

I have letters from Mr. Forbes to the 17th ultimo. Things at Buenos Ayres were in a state of superficial tranquillity. It was resolved to re-establish the old Government, with Rosas as President, on the 1st instant, the anniversary of its late violent disastrous overthrow by Lavalle. But it was feared that the most violent of the federal party would direct the councils, and that they would revenge themselves, by new proscriptions, for those which they had suffered; and many of the opposite party were preparing to leave the country. However just such vengeance may be, it is to be deeply regretted, as it will only produce a reaction and an alternation of sanguinary factions.

The Emperor is fast recovering from his late accident, and proposes in a few days to return to the palace of St. Christobal. I saw the young Queen of Portugal last evening; she is perfectly well. Mr. Mascarenhas, her first chamberlain, is about departing on a mission to Europe, it is supposed in consequence of the acknowledgment of Don Miguel of Spain, to renew the protests against this measure with the Emperor's allies.

The Vandalia arrived four or five days since from Bahia, and the Hudson came in this morning from the same port.

I have the honor to be,
With high respect,
Your most obedient servant,
W. TUDOR.

To the Hon. Martin Van Buren,
Secretary of State.

No. 154.

Mr. Tudor to Mr. Van Buren.

Legation of the United States of America,
Rio de Janeiro, January 2, 1830.

Sir : On the 31st of December an English packet arrived, bringing the intelligence that the existing Government of Portugal had been recognised by the President, and by the same vessel we heard that a similar recognition had been made by Rome, which no doubt would be immediately followed by Naples and Sardinia, and the greater Powers of Europe appear to be preparing to take the same course.

I called that same evening to make my inquiries after the Emperor, and saw, among others, the Minister of Foreign Affairs, and to my question, if the packet brought any thing new, he replied in the negative. I heard the fact an hour or two latter from the English chargé d'affaires. The next morning, new year's day, the Emperor returned to the palace of St. Christobal, and I, as well as the rest of the diplomatic corps, called to make our inquiries. He was asleep at the time I went, and none of the corps, except the Austrian minister, who waited too hours, saw him.

The subject of this recognition was not alluded to between them, and I have not been able to learn what effect it produced on his Majesty.

Mr. Rebello arrived here on the 1st instant, and called to see me next day. It was an unpleasant circumstance to him that this intelligence reached here at the same time, so that he had to meet the Emperor, in his first interview, under the impressions which it caused. Mr. R. is loud in expressing his disapprobation of it, as unjust and unnecessary ; but this may perhaps be excused on the score of policy, as he finds himself in a different situation. He was recalled from some dissatisfaction respecting a charge of commissions for the payment of the frigates built at New York, (in which, however, he did no more than was done to a much greater extent by other agents of this Government,) and he met a new ministry, just installed on the principle of excluding Portuguese from employments, and defending the constitution ; now, besides being born in Portugal, he was formerly at least a decided partisan of absolutism, of which it may be hoped his late residence may have cured him ; he has, therefore, an arduous task to prepare the way for future favor.

Having been confined to the house by a slight access of indisposition for some days past, I could not call on the Minister of Foreign Affairs, but I sent to Mr. Lisboa, the chief clerk, who came to see me, and to whom I explained that I had not received any letters from my Government since the reception of Mr. Torlade, but that I might expect them every day, and that the position in which the Government of the United States was placed compelled it, after a long delay, to take a step which consistency with its established principles, whatever might be the particular sympathy in the case, rendered inevitable; and I requested him to say to the minister, that as soon as I received a despatch on the subject I would make a communication to him.

The last letter which I have had the honor to receive from you is that of April 22; and it is singular that an event possessing the peculiar local interest of the one referred to, should be first known by the way of England, three months after it occurred. I think it illustrates the suggestion I made some time since of the expediency of encouraging the establishment of monthly packets. I will add, also, a remark I have made on former occasions, that the opportunities from Baltimore to *all* the ports in South America, (that of Buenos Ayres perhaps excepted,) are more frequent than from any other port in the United States; and if the clerk who has the charge of forwarding the despatches would address them to the care of the collector in Baltimore, instead of New York, they will reach their destination to any port of South America much sooner.

There has been no event of any moment here since my last. I have no late letters from Buenos Ayres, but the accounts from thence say that the civil war will probably be renewed with increased virulence. The Vandalia sailed for the river on the 4th instant.

I have the honor to be,
With very high respect,
Your most obedient servant,
W. TUDOR.

To the Hon. MARTIN VAN BUREN,
Secretary of State.

P. S. Mr. Lisboa has just called on me, with a message from Mr. Calmon, Minister of Foreign Affairs, respecting the transactions in the suit of Mr. Torlade, for the recovery of the papers belonging to the Portuguese legation. He says that the Government disapproves of the conduct of their consul general, Mr. De Lima, in accepting the deposite of those documents, though he no doubt acted with good intentions, and that they have ordered him to deliver up the said documents to the courts of the United States, or some other responsible authority, as the agents of Brazil have nothing to do with the affairs of Portugal, from which the Government of Brazil holds itself entirely distinct; and that he hopes no process of court will force the residence of Mr. De Lima, as that might have an unpleasant effect on the relations between the United States and Brazil, which they are most anxious to preserve in the harmony that now so happily subsists. Unfortunately I am totally ignorant of all the details of this affair, as I have not been able even to find any account of them in the few newspapers I have seen. I told him that I would communicate this message to you, but that nothing would be done contrary to our laws; and that I was persuaded that the Government of the United States, so far as it was possible for them to act, would endeavor to prevent any disagreeable results from these transactions. W. T.

No. 156.

Mr. Tudor to Mr. Van Buren.

LEGATION OF THE UNITED STATES OF AMERICA,
Rio Janeiro, February 1, 1830.

SIR: On the 27th ultimo Mr. West, chargé de affaires for Peru, arrived here with his wife and six children, in an English brig, to which they had transferred themselves from the ship Alfred, in which they sailed from New York, Mr. West being too ill to continue his original voyage. They were brought on shore by the boats of the Hudson, the surgeon of which ship gave his immediate attention to the sufferer, who was taken to his lodgings in a cot. A consultation of physicians was held, and Mr. West has received every possible attention, but I deeply regret to inform you that he is pronounced to be in the last stage of a consumption, without the slightest hope of recovery; and that although he may possibly have a respite for a few weeks, the physicians think he will only live a few days. Mr. West receives every attention from his countrymen, but he is too weak to hold any conversation. In the event of his death, which seems inevitable, I presume his family will return immediately.

There has been no event of much importance here since my last. The ministry continues the same, but with a constant struggle against it. Rumors of changes are frequently reported, but it seems probable that no immediate change will happen; although the opinion is general that some of the present incumbents will go out on the meeting of the Legislature in May if not sooner.

The Minister of Finance has asked for proposals for three millions of treasury bonds, and the bargain is to be closed on the 4th instant. I understand that two companies are ready to take them, and they will probably be disposed of at 62 per cent. This will put the treasury in possession of funds, and will enable it to pay the first instalment of our bonds, which, as well as those of the French, become due the last day of the present month.

Since the Emperor's entire recovery, the series of festivities, in celebration of the imperial nuptials, has been resumed and concluded; and he leaves the city to-day with his family to pass some weeks of the hot season on the mountains at the foot of the bay. On the first day of his return to his palace after his accident, which was new-year's day, I called, as well as the rest of my corps, to see him, but he was asleep. Unfortunately, I was four weeks after confined to the house by indisposition, which prevented my going, according to invitation, to meet the Court at the fêtes that have taken place; which I only regretted, lest my absence should not be attributed to the true reason. I have, therefore, never seen the Emperor since we received the information of the reception of the Portuguese chargé d'affaires.

Mr. Mascarenhas, chamberlain of Donna Maria, who, I mentioned in a former letter, had sailed for Europe in December, was destined to St. Petersburg, with a letter from the Emperor to the Emperor of Russia, soliciting his mediation in the affairs of Portugal. This step, it may be feared, is taken too late to produce any advantage for Donna Maria.

I mentioned in a previous letter, that a Colombian frigate and sloop of war stopped here for refreshments on their way to the Pacific; the latter turned back before reaching the Cape, and attempted to get into Patagonicas, but grounded on the bar; and all the guns and other heavy articles were thrown overboard to get her off. The crew mutinied, and the vessel entered Montevideo with the captain and 1st lieutenant in irons. The Government of Montevideo released them, and took charge of the vessel. Mr. Herreia, the chargé d'affaires of the "Oriental State of Uraguay," told me yesterday that the Colombian chargé had applied to him to ask his Government to aid the ship to continue the voyage; to which he replied, that he would transmit a note from him on the subject, but he feared his Government was too poor to be able to make any effort in the case. This affair will form a pretext that General Bolivar will make the most of when circumstances permit.

I am still without any of your despatches since that of April 22d. I have no doubt that letters were written at the time of the reception of Mr. Torlade, but they have never reached me. I am therefore unable to make any communications to this Government that might serve to mitigate the feelings that measure must have caused the Emperor. Mr. Rebello is endeavoring to prepare the way for some new appointment, but the steps he takes seem to me to evince very little of that good sense and discretion for which I had given him credit. His arguments on the subject of our recognition are so absurd, that I declined further conversation on that subject, though I meet him on friendly and easy terms. The conversation he has held with some of my colleagues on the same topic met with no better success; and one of them told me that he pointed out to him that the course he was taking in this affair was equally unreasonble and impolitic.

Our latest dates from home are to the middle of November. Mr. West left the 25th, but his situation prevented my asking him any question? A French ship of war sails to-day, having on board a French consul general for Peru. By that opportunity I informed Mr. Larned of the melancholy situation of Mr. West, and by request of the latter, wrote to Mr. Worthington respecting his baggage, &c. We are daily hoping to receive the President's message.

The Vandalia is at Montevideo, and the Hudson sails for the same place this week. The French admiral sailed last month for the southward, to be absent during the remainder of the hot season.

In the foreign force here there is no important change.

I have the honor to be,
With high respect,
Your most obedient servant,
W. TUDOR.

To the Hon. MARTIN VAN BUREN,
Secretary of State.